

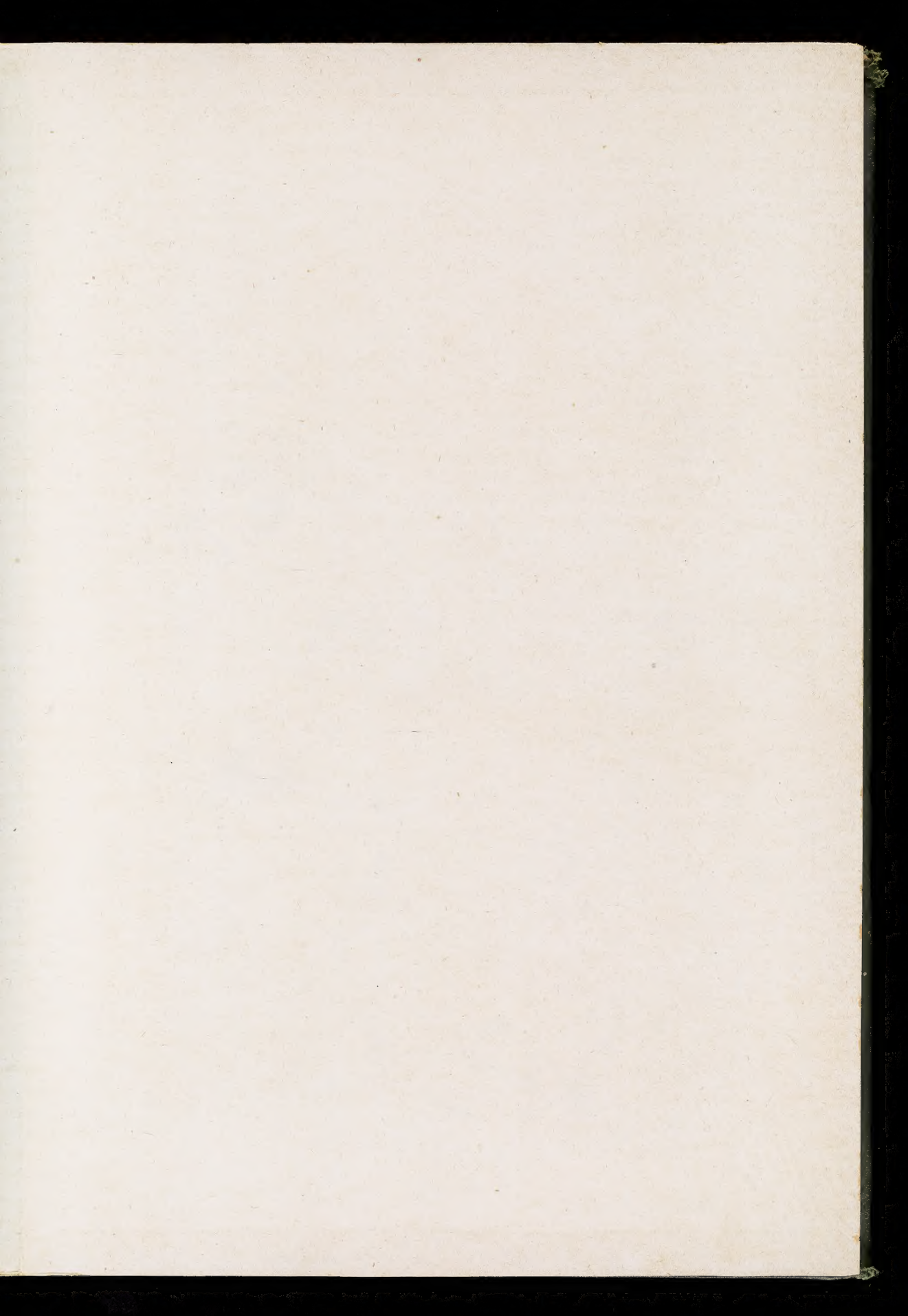


Mexico

ITS SOCIAL

EVOLUTION

Ballescá - Editor







Mexico

ITS SOCIAL EVOLUTION



MEXICO

ITS SOCIAL EVOLUTION

SYNTHESIS OF THE POLITICAL HISTORY, ADMINISTRATION, MILITARY ORGANISATION AND ECONOMICAL STATE
OF THE MEXICAN CONFEDERATION, ITS ADVANCEMENTS IN THE INTELLECTUAL SPHERE, ITS TERRITORIAL STRUCTURE,
GROWTH OF ITS POPULATION, MEANS OF COMMUNICATION BOTH NATIONAL AND INTERNATIONAL, ITS ACHIEVEMENTS IN THE FIELDS
OF INDUSTRY, AGRICULTURE, MINING, COMMERCE, ETC., ETC.

MONUMENTAL INVENTORY
SUMMING UP IN MASTERLY EXPOSITIONS THE GREAT PROGRESS OF THE NATION
IN THE XIX CENTURY

WRITTEN BY

AUGUSTIN ARAGÓN, ENGINEER.
GILBERT CRESPO Y MARTÍNEZ, ENGINEER.
EZEKIEL A. CHÁVEZ, LICENTIATE.
MICHAEL S. MACEDO, LICENTIATE.
PAUL MACEDO, LICENTIATE.
EMILIUS PARDO (JR.), LICENTIATE.

PORPHYRIUS PARRA, M. D.
JANUARIUS RAIGOSA, LICENTIATE.
GENERAL BERNARD REYES.
EMMANUEL SÁNCHEZ MÁRMOL, LICENTIATE.
JUSTUS SIERRA, MAGISTRATE.
EDWARD ZÁRATE, LICENTIATE.

AND JULIUS ZÁRATE, MAGISTRATE.

LITERARY EDITOR:

LICENTIATE JUSTUS SIERRA

ARTISTIC EDITOR:

JAMES BALLESCA

Translated into English by G. SENTINÓN

SPLENDID EDITION PROFUSELY ILLUSTRATED BY ARTISTS OF GREAT RENOWN

TOME FIRST

VOL. II

MEXICO

J. BALLESCÁ & Co., SUCCESSOR, PUBLISHER

1900

BARCELONA

Typolithography of Salvat & Son

204, MALLORCA STREET, 204

1900

VOLUME FIRST

AUTHORS OF THE FIRST VOLUME
OF
MEXICO—ITS SOCIAL EVOLUTION

Ezekiel A. Chavez
Augustin Aragon. Michael S. Macedo
Justus Sierra
Bernard Reyes. Porphyrius Parra
Emmanuel Sanchez Mármol
Emilius Pardo. Julius Zárate

1884

1885

1886

1887

1888

1889

1890

1891

1892





tion, History perhaps loses the majesty impressed on it by Tacitus and Suetonius, or the beautiful simplicity it owed to Titus Livius, it will gain certainly, in amplitude of survey, exactitude of judgement and abundance and opportunity of its previsions.

This conception of human societies, gradually and carefully elaborated by science, resolves them into a complex aggregate of elements intimately associated in time and space. The bold thinkers who in the eighteenth century submitted to their powerful criticism the conceptions they had received as a legacy bequeathed by the past, deeply transformed the old historical conception and with an intuitionlike perspicacity the most eminent of them ventured to make the seemingly rather strange assertion that a human aggregate constituted into a nation is subjected to laws analogous to them that rule the life of an individual. To the one and the other we may assign an origin, a period of growth and prosperity and then one of decay terminating at last in death and dissolution, as of the individual so also of the aggregate of individuals.

Audacious and unexpected the statement of such a parallelism certainly was, but it was based on inconcussible facts, not supplied by the transient glitter of a rhetorical trope, but by the raw material of reality. These facts had happened on the field of History and this had put them on record. Let us recollect the most impressive of them.

On the banks of the Euphrates and Tigris, in the fertile basin of the Nile, there arose some vigorous human aggregates that founded strong empires, erected colossal monuments and built enormous and populous towns. Thebes with the hundred gates, superb Niniveh, splendid Babylon.

A certain time elapsed, those empires decayed, got disorganised, were dissolved and bequeathed to others the golden sceptre of their powerfulness. The great Macedonian, conqueror of men, after assimilating the Greek culture, becomes the armed Messiah who carries the same to the banks of the Indus and to the hot sands of Libya; he held in his right his devastating sword, but he came accompanied by his teacher who was so, too, for the coming centuries, Aristotle the great.

The empire founded by Philip's son was composed of dissimilar elements united only through its founder's herculean arm and like that which, twelve centuries later, Charlemagne was to found on other bases and with new elements, was destined to disappear immediately after the decease of the powerful being to whom it owed its existence. However the colossal ruins of the imposing structure remained upright for a long time, each fragment forming by itself a powerful nation. Thus Egypt flourished anew under the sceptre of the Ptolemies, thus Syria bloomed under the rule of the Seleucides.

Meanwhile a town of legendary origin and destined to perdurable life had risen in remote Occident, ever growing and growing; a wolf's nursling was said to have founded it on the margins of yellow Tiber. That city was the nucleus of the most powerful, best organised and most solid empire that the past centuries had ever seen and the coming ones might ever see thereafter. The Roman empire like an ever rising tide sent its legions everywhere and the billow, at once destructive and fertile, of a conquest, without an example in the past or an exact imitation in the times to come. That billow submerged the empire of the Macedonians, drowned the Greek liberties, inundated the empire of the Ptolemies that perished with its beautiful and tragical queen voluntarily poisoned with the lethal venom of the asp.

At the same time and with an iron hand the irresistible Roman forced the golden gates of the Orient and his victorious eagles rested in the cities of Asia. That ever expansive and up to then barrierless and dykeless power disdained neither the ignored Occident nor the caliginous and still more unknown North. Hesperia with its golden fruits, Gallia with its peaceful rivers, Britain with its whitish coasts, Germany with its impenetrable forests had been spreading by little and little their vast and unexplored territories under the untired Roman conqueror's sole.

At the beginning of the first century of our era Augustus shut the doors of the temple of Janus and proclaimed the peace of the world. The sea of the Roman invasion found at last the shores it was to lick obediently. Who would have thought so? What contemporary of spiritual Horace or of majestic

Virgil would have imagined that at the moment when *Divus Imperator* reached the summit of greatness, the empire, sapped at its foundations, was on the point to begin decaying!

In Orient, in Judaea, seed-plot of prophets and cradle of wondrous illuminati, there had been born the most sublime of the sons of woman who preaching a doctrine of peace and love was going to regenerate the slaves of the workhouse making them immortal and free men. On the North, in cold Scythia, in unknown Sarmatia, on the Cimbric chersonese, in the dusky depths of the Hercynian forest and beyond the extensive and precipitous range of the Imaus there was stirring a disquiet and fearful hord of new and unknown men who like locusts on cornfields were going to fall on the rich countries of the South. The armipotent Roman empire succumbed under so devastating an invasion, the barbarians settled in its vast territory and founded the human associations that flourishing under the shadow of the cross were to constitute the modern nations.

Such is the colossal fact of the life and death of the old world. History could note the birth of a society, its progressive increase and prosperity, the epoch of its fastigium or stationary hight of development, then its decay and at length its death and disappearance. Before so eloquent a fact what well endowed observer would not become aware, what vigorous thinker would not conclude: the human aggregates called peoples and nations like the celular aggroupments called organisms, are born, grow and develop themselves, enjoy for a certain time their organic plenariness, and then 'decay, wither and become old, and finally die giving back to the Cosmos the elements they were composed of, that they may be embodied in new organisms later on?

Thus, then, Montesquieu and Gibbon in the past century like Pascual and Bossuet in the foregoing were right in asserting that regarding progressive development at first and regressive afterwards, there was an actual and real likeness between society and man. So it could be said, the peoples, like the individuals, are born, grow and thrive and then decay, grow old and die.

The ancients could not say so much. Aristotle in spite of his genius that permitted him to reduce the knowledge of his time into a vast and coherent synthesis, could not attain so great a generalisation. He lacked the experimental basis, the field of History was still narrow, there had not been brought about stupendous revolutions like those that happened afterwards, nor had it been possible to verify that peoples, like individuals, are born, grow, become old and die.

The science of our days has amplified so deep a conception, has defined it well, strengthening and widening its bases. It has not for its sole foundation History that notes down and relates the events of collective human life; all the sciences, in strong consortship, and emitting a uniform witness, serve it as a base. Astronomy teaches us that the planetary system of which we form a part, is subjected to an evolution, has arisen, has grown becoming differenced, and will have an end; it has also taught us that in the unmeasurable ambitus of space there have been spread, with a profuse hand, other planetary systems submitted to the same evolutive law. Geology has taught us the same thing regarding the planet we inhabit, biology tells us as much concerning the structures and living forms and sociology studying the human aggregates both in their present and in their past states, makes an analogous statement about them.

This last and new science allows us to delineate as follows the present sociological conception: the social complexus is formed by the coexistence of irreducible components exercising between one another reciprocal actions that produce incessant reactions; these actions and reactions determine joint results disposed in evolutive series that engender all the types of social structure: from the elementary, primitive and simple represented by nomad and savage tribes, up to the complex, heterogeneous and elevated represented by so cultured and advanced nations as France, Germany and England.

No sooner the social structures rise a little, elevating themselves above the homogeneous and primitive mass that serves as their common starting point, than it becomes easy to distinguish the antithetical aspects of material and spiritual which in the organic forms correspond to the double aspect of corporal or static and functional or dynamic. A human aggregate possesses lands, property of individuals

or corporations and which their owners have tilled and till, possesses mines to extract the riches of the mineral kingdom, industries to transform the raw materials, roads on land, rivers and sea to transport persons or the products of their work, and more or less vast and sumptuous buildings to shelter people and store up wealth, and has established commercial institutions for the exchange of products and disposes of an armed force to repel aggressions. Such are the main components of a society that characterise its material structure.

Regarding the spiritual side, the human aggroupments elaborated an ideal conception of the world and man, of their origin and destiny; affording a remedy for their evils and a scope for their hopes, defining the *summum bonum* or supreme good towards which are tending the individual exertions harmonised by the collectivity. That ideal resolves: into religion linking men by means of reciprocal love and common hope; into science making aware of reality; into art embellishing the same, into justice confounding individual activities in a common exertion, into morals giving motives a norm and discipline and justifying the actions.

We purpose to study the factor science in the Mexican nation that is dear to our heart being our native country where we breathe and struggle as our fathers did and our children will do after us pursuing the common labour. But Mexico offers interest not only for her children, she also deserves the attention of the world for the events that made her appear among the nations, for the interesting phenomena she has presented in her evolution and for the destinies she is called to by her geographical situation, by her natural riches and by the accomplishments of her children.

The matter I am to treat of naturally divides into the following parts: 1st. What are the origins of Mexican science? 2nd. Which are the phases our scientific movement has gone through from its origin up to this moment? 3rd. By what stimuli is our scientific advancement fostered and pushed on? These questions will be resolved, as far as our forces allow, in the chapters that follow.



Mexico. Former college and church of St. Peter and St. Paul

CHAPTER II

ORIGINS OF MEXICAN SCIENCE

LITTLE less than eighty years ago Mexico achieved her independence. Thirty years, they calculate, represent the total activity of a generation; so, we are the last of the third generation come after that which was contemporaneous with the venerable leaders who brought about our independence.

The more time is elapsing the more we admire our fathers' feats and the more we venerate their holy memory. But if the lapse of time allows us perfectly to understand the passions that impelled them and sometimes disturbed the serenity of their minds, it forbids us at the same time to partake thereof, for in us those passions would be as unaccountable and extemporaneous as in them they were legitimate and noble. They struggled strenuously to snatch the soil of their native country out of the strong and sometimes bloody hand that was retaining it; the heat of combat incensed them more than once with an anger a thousand times holy. Well and good, then, that they held as bitter enemies deserving only of execration their adversaries that endeavoured to keep Mexico under Spanish rule. Well and good even that our fathers carrying their anger and incensement beyond the moment of the struggle were wont to disown the nation that had incorporated with her dominions this part of the New World and that they, going extreme lengths in their hate, proclaimed with a loud voice, that nation had brought us only backwardness, evils and ruin.

To-day such declamations would be motiveless. Examining things coolly and dispassionately as duty commands and the time elapsed imperiously exacts, we must conclude that the Mexican nation, considering her in her chief lineaments, such as she actually is, such as she feels, such as she thinks, with her endowments and her defects, with her germs of advance and her stigmas of backwardness, with what good she has and what bad she might have, is the result of a scion of the old Iberian stock and of the Spanish soul's infusion into the Mexican soul wherein it is still living.

It is true these lands were not barren when the Spaniards came to their shores. Vigorous races, nobody knows whence they came, had settled there founding a powerful empire; but that empire was pulled down by the conquerors and no lasting influence survived it. Nothing of what is culminating in the present Mexican nation, is due to aboriginal civilisation. Language, religion, institutions, customs, tendencies, habits, whatever constitutes and defines a society, all is of Spanish origin, all was imported by Spaniards; they imposed it by means of the conquest and they steadied and irradicated it by the work of their secular administration.

The Spanish conquest, differing from the Roman that was the most perfect of all because the conquering nation assimilated the civilisation of the conquered, disdained, proscribed and persecuted the Aztec empire's elements of civilisation causing them to disappear. They conserved, indeed, the vanquished people, but under the condition they would willingly or forcedly, actually or only apparently, adopt the civilisation the conquest imposed them.

Three powerful agents led to the discovery and colonisation of the New World. The first was the spirit of apostolate, the charitable desire of spreading the Gospel's light among millions of beings submerged in the natural and pristine darkness. So generous a motive was the noble and beautiful part of the conquest and the first century of the domination; it acted upon the sublime soul of the great queen Isabella, upon the gallant spirit of the Admiral and upon the holy missionaries whose peaceful figures shone like polychromatic rainbows after a fierce tempest. That generous and disinterested motive ennobled the conquest and justified it before the eyes of the epoch giving it the character of a propagand in which behind the soldier wielding the bloody sword there came the missionary lifting high the peaceful and holy cross, it was beneficial enough for the indigenes, but lethal for their civilisation which it combated trucelessly.

The discovery and colonisation of America were due to another motive less noble perhaps but more efficient for that very reason, in so much as a greater number of individuals yield to its influence. That new motive was the craving for lucre. It displayed two forms: a collective, beneficial and civilising one, a token of great political sagacity: it aimed at opening new roads to commerce, at outrunning the Portuguese in the discovery and possession of those fortunate Indies whence spices, gold, perfumes and precious stones were coming.

Under this form it moved the mind of Ferdinand of Aragon, it moved the exalted spirit of the Admiral showing in him visionary shades and splendid tints; it also moved several undertakers and leaders of expeditions.

Under that aspect the desire of lucre is by no means censurable, it is a constant impeller of human action, and is working at all places and at all times; it pushes the explorers of our days to open new paths and to seek better drifts; impelled by that desire Lesseps opened the Suez Canal. Still more: such a motive is essentially beneficial because it widens the field of human activity inducing the mechanicians to contrive new and more potent motors, to devise more ingenious mechanisms, pushing the industrial manufacturers to improve their technical procedures. As long as it limits itself to set up a legitimate competency without oppressing any one with the brutal resource of force, the motive we are speaking of was perfectly lawful according to the criterion of the XVI century as it is according to our own. In that century Spain and Portugal disputed one another the Indies, as in ours England and France dispute for Africa, as in these days England, France, Germany and Russia contend for Asia.

But if under its collective form the desire for lucre contributes to the welfare of the community

being equivalent with a generous longing for improvement of the luck of large human groups, it is not the same when that desire acquires an exclusively personal form. Then it changes from laudable into execrable, degenerating into an insatiable covetousness and transforming man into a monster thirsty of vantages, gold and blood. Unhappily under this villainous and mischievous form it mingled like a black yeast in the work of conquest producing the diresome swarm of commendataries bent on enslaving, spoliating, ill treating and projected sinister shades on the brilliant epopee of the discovery and colonisation of America.

Let us turn our looks elsewhere ceasing to contemplate so disgusting a rot of the human heart; let us rather contemplate the third factor that produced the discovery and exploration of the New World, this factor being a noble, strenuous and generous one, beneficial for human progress and stimulating the advancement of the sciences; we are going to speak of the chivalrous or, if you like better, the adventurous spirit. Spain, at the end of the xv century, had carried to a most happy termination the multi-secular and patriotic crusade to reconquer her territory and to expel beyond the seas the unfaithful



Mexico. Exterior of Tlaltelolco College

Hagarene. That crusade had afforded a continuous and permanent pasture to the chivalrous spirit, more accentuated in Spain than in any other nation of Europe and had been a perennial seed-plot for heroes, some of them nearly legendary like the Cid, others real and sublime like Guzman the Good, but all of them popular, all strenuous paladins, all brave, all indefatigable and whose record and evocation heated the blood and exalted the brain of the sons of that nearly African peninsula.

The reconquest being terminated, the Moors being repelled, so much activity, so much ardour, so much craving for glory, so much thirst for exploits were left without a theatre. It is true, the wars in Italy, just then commenced, offered the battle-seekers glorious enterprises at the shade of a standard lifted by no less a man than the Great Captain. But this was not enough for the soul of the Spanish paladin aspiring after colossal, after immense feats. In Italy he would fight with the French, brave like himself, as intrepid as himself; but that combat would not stand out from the common order of things and even though the fight became hard and might produce laurels like those of Pavia, it was no defiance of the impossible and apostle St. James would not trouble himself and go to take part in a combat between christians.

At the precise moments when there was an enormous surplus of Spanish activity, for which there would not be scope enough in the craggy districts of the Abruzzi nor in the tortuous current of the Garigliano or the fertile plains of Lombardy, there appeared an immense stage before the men of febrile

activity longing to struggle with something uncommon: a world newly emerged out of the depths of the Ocean offered them its enormous measureless territory, and how beautiful this world was, what difficulties and dangers were to be overcome to penetrate into the same, how much boldness was required to level the former and to face the latter, what an extraordinary hardness was needed to undertake the tempting enterprise! To navigate for days, weeks and months through stormy and unknown seas; to throw anchor in front of ignored shores, to cross interminable deserts, to pass over high mountain ranges, to penetrate with Vasco Nuñez de Balboa between the disquiet billows of an immense sea never before traversed nor seen nor even dreamt of; and immersing up to the waist in its waters, take possession in the name of Spain of that undulating and disquiet immensity, of that South sea and «all things inclosed between its nacre» as «the phenix of the geniuses» said later on; to throw themselves with Orellana in a frail boat at the mercy of the impetuous current of an enormous and unknown river, going to I do not know what strange and fearful regions and driving at venture day after day, night after night under the rays of a scorching sun or under the nightly mantle of skies starry with never seen asters; beholding with amazement, on those ignored borders, now dense forests, now frightened and unknown tribes, now wild and strange beasts and believing to devise at a far distance portentous cities built with silver and gold. Those were tempting enterprises worthy of those adventurers who were survivors of the Middle ages.

And what a perspective! To enchain powerful monarchs by the sole force of their will and the vigorous exertion of their arm, to find those opulent cities called Cibola and Quiviria; to discover, as Ponce de Leon dreamt, on the beautiful plains of Florida, the miraculous source of youth and to recover, bathing in the same, the freshness and vigour of that enchanting age.

The spirit of apostleship, the craving for lucre and the fondness of adventures were therefore the three powerful factors under whose influence, in the XVI century, the discovery and conquest of America was achieved striking with amazement and envy the other nations of Europe and implanting in the conquered countries a new civilisation totally crushing the originary and autochthonous one. Regarding other elements of the social complex it may be alleged with solid reasons that the primitive influence subsisted, especially among our rural population where there are to be found still visible traces of the precolumbian civilisation. But we do not think the same may be said about the scientific movement which in our opinion is of an exclusively Spanish origin; as the conquerors brought seeds of wheat and other plants unknown in these regions, so too, they brought the seed of the moral and beneficial plant whose name is science.

Some one will object the Aztec civilisation when it was pulled out by the root had reached a high degree of development; the Aztecs computed time better than their conquerors; they knew how to trace something like geographical maps, they extracted silver, lead, tin and copper by truly metallurgic procedures and knew metallic alloys which supposes certain chemical notions; their notions about the healing art were more than mere rudiments; they knew the plants and animals that formed the indigenous flora and fauna, there being in one of Motecuhzoma's palaces a true botanical garden and a house of wild beasts which also was on advance before Europe where at that epoch they were still long in founding «the King's Garden of plants» illustrated by keepers like Tournefort and Jussieu; all of which supposes a not despicable sum of botanical and zoological lore. Our learned fellow pupil Mr. del Paso y Troncoso has published under the name of *Botany among the Nahuas* a notable book (all of his are so) wherein he sums up the knowledge the Aztecs had contrived to acquire in that branch.

In spite of these inconcussible facts, our thesis subsists. Science properly so called, formed by a complex of doctrines well tested and explained with clearness and precision, and after a method adequate to every category of phenomena, was not known by the Aztecs. A hindrance thereto was their imperfect writing, almost quite ideographic, far distant still from the alphabet; the Egyptians who regarding hieroglyphic writing surpassed by far the Aztecs, neither came to possess science strictly speaking. How could it have been possible for the rudimentary Nahuatl writing to express the abstract ideas of space,

time, divisibility, necessary bases of mathematics that in its turn is the base of all science? An equal, if not a greater, obstacle for the cultivation of the pure sciences the Nahoa tribes met with in their imperfect system of numeration, if we may venture to call it a system, because not every means of reckoning and representing the numbers constitutes a system of numeration; the direct examination of the means used for that purpose by the aborigenes, the witness of respectable authorities contemporaneous of the conquest or nearly so, teach us that the indigenes reckoned without mistaking only up to twenty; all this, confronted with what the observation of the present indigenes shows us, produces the conviction that their arithmetics could not be but very rudimentary and hardly sufficient for the rough needs of daily life, but by no means to serve as a scientific instrument.

Let us see how it was with the computation of time, this being doubtlessly the strongest argument on behalf of a certain degree of scientific culture the natives are supposed to have attained. Time may be computed by two ways: either applying astronomic notions that must be rather perfect if they are to lead to a somewhat exact computation, or by a merely empirical method consisting in determining in a precise manner the passage of the sun through a given spot of the celestial sphere, for it is sufficient to reckon the number of days comprised between one passage and the following, in order to attain as exact a measure as may be wished of the duration of the year. Thus the mere fact of well computing time does not prove by itself that a people possesses astronomical knowledge of a scientific character. We have already stated the Egyptians did not possess a true science and nevertheless they knew how to determine the moment of solstice, it being related that in the town of Esné, situated in those days under the tropic of the Cancer, solstice day was determined by seeing the sun reflected on the bottom of a well.

Now, how did the conquerors compute time? how was it computed by the conquered? There is no doubt but the former reckoned on scientific principles. The nations of the Occident of Europe, being heirs to the Roman civilisation, had adopted the Julian calendar that dated from Julius Cæsar and in conformity therewith the conquerors computed time; a computation not very exact indeed, for after the conquest it became necessary to make the Gregorian correction which still serves us for the computation of time.

Now, in the days of the conquest astronomy was far distant from the perfection it attained afterwards; at that epoch Copernicus scarcely was conceiving his new system and still with the character of a mere hypothesis. Only a century later on the invention was made of those marvellous optical instruments which approach the objects and by whose means Galileo was able to test and prove the eminent Pole's system.

At any rate, astronomy was founded and rested on mathematical bases or geometrical at least; there were exact means to fix the direction of the visual line such as the alidades and the astrolabe; angles could be measured with sufficient approximation. If the measuring of small fractions of time was still imperfect, for only at the middle of the xvii century the Dutchman Huyghens contrived to construct the seconds clock taking the pendulum for measure whose isochronous oscillations Galileo had discovered at the beginning of that century, there existed however several means to measure the small durations with sufficient approximation, among others the sand watch called hour-glass and the solar quadrants known since antiquity and that arrived to such a perfection that they are still of service even now.

Now, the Aztecs had never contrived anything similar, they had no means whatever to measure angles or short periods of time, or to determine the direction of the visual line; therefore they were unable to measure arcs or to convert angles into time and reciprocally or to observe meridian passages or culminations of stars; but it is evident that without such elements there is no astronomical observation possible. And as a science cannot be founded when the observation it requires cannot be made, we may logically conclude that whatever may have been the Aztec fashion to compute time, their computation could only rest on empirical bases.

It is to be noted that the so much vulgarised idea of the ancient Mexicans computing time better

than their conquerors in so much as the duration of their year is said to have differed only two minutes from the true solar year, has no other origin than the interpretation given by Antony Leon y Gama the so called calendar-stone and after a very competent authority we have before our eyes, Gama's hypothesis rests solely on an isolated passage of Acosta's, the same authority adding that not even that hypothesis can be inferred from the passage.

Therefore the supposed astronomical lore of the Aztecs was of a merely empirical character, their observations being reduced to what our senses can show us. It seems the so called Aztec calendar allowed them to fix the days when the sun passes through the zenith of Mexico, the days of the equinoxes and that of the summer solstice or Midsummer.

Most rudimentary must have been the chemical knowledge of a people unacquainted with glass and the bellows so proper to activate combustion and quite ignorant of the art of distillation. In one word, the Aztecs' knowledge never passed beyond the empirical phase, never assumed the coordinate and systematized character that constitutes science.

However, it is but just to acknowledge, that lore, although of an empirical character, was plentiful, extensive and multiple. Their metallurgy and mining, although rudimentary, was superior to the Peruvian; they extracted silver from the Taxco ore and it is to be thought they did not work but that called by miners native or virgin silver. Gold, too, was gathered in the native state by washing auriferous sands, they knew and used copper, gold and tin; sir Alexander Humboldt wonders at the natives not discovering iron, ochres abounding on the territory of Anahuac.

The Aztec people, laborious, patient, steady, bent on tilling, hunting, fishing and making war, occupying a fertile and variably productive land, was able to acquire, and did acquire, a great deal of practical lore about animals and plants and about the healing art. According to the respectable testimony of Clavijero they made Dr. Hernandez acquainted with 1,200 plants, more than 200 species of birds and many kinds of reptiles, fishes and insects. The conquerors repeatedly speak of the Aztec surgeons' skill; they made the Europeans acquainted with many plants and medicinal substances, such as sarsaparilla and jalap that acquired a universal reputation and still occupy a distinguished place in materia medica. As for their therapeutical practices they were excessively prodigal with bloodletting and practised it with thin scales of *itzli* and they used a special form of baths called *temascaliti*, a sort of steam bath in which the steam of water was associated with volatile substances proceeding from divers aromatic plants. These baths as also a fondness for bloodletting are still subsisting among the present natives.

From all we have explained the conclusion may be drawn that the lore acquired by the natives of Anahuac in different branches of knowledge was of a purely practical character suggested by the sting of necessity and acquired by quite empirical means. It was transmitted from fathers to children by a kind of tradition. We may conclude, then, that the origin of Mexican science lay in the science imported by the conquerors.



Mexico. — Exterior of Tlalhelolco College

CHAPTER III

INITIAL PHASE OF MEXICAN SCIENTIFIC MOVEMENT

IF it is true as we have stated in the preceding chapter that Mexican science was imported by the conquerors, it is also true it did not leap on land from their ships armed with a strong shield, a shining helmet and a potent lance. The Spaniard brought us what he possessed and such as he possessed it: his language already near to perfection having been polished at the select court of king John II of Castile; his language that had been able to serve as a sonorous and flexible instrument to so exquisite poets as the marquis of Santillana and George Manrique and which at those days was already the beautiful speech wherein Garcilaso de la Vega cut the gallant endecasyllabic verse.

The Hispanian brought us his religion, the catholic, the marvellous synthesis of the middle Age and he brought it complete, achieved, and even nearly decaying or better said, already decaying, for at the moments of the conquest Luther's dissonant and energetic voice was thundering and threatening to break the catholic unity.

The same cannot be stated about science: the Spaniards brought their epoch's nor could they possibly bring another and they brought it us such as they understood it. But the science of the xv century and of the beginnings of the xvith was not that we know to-day, positive and experimental, based on the eternal laws of extension and number, on the well tested knowledge of the properties of the bodies and on that of the marvels of organisation and life. Such a science did not exist yet, or more exactly speaking, such a science was then still very far from existing.

That epoch's science was scholasticism, withering and decaying, without vigour to cause the rising of those stars of first magnitude called Albertus Magnus, St. Anselm of Cantorbery and the most exi-

mious of all, Thomas Aquinas; vain already and sapless, very different from what it was when it inspired that august and magnificent epopee that shone like an esthetic sun in the celestial soul of Alighieri.

Scholasticism as contemporaneous of the conquest was no more a stupendous synthesis, it was but a vast organism in decomposition; it did no longer set up lofty problems, but only puerile ridiculous questions it boasted to resolve by means of a pedantic ergotism; it had sharpened to breakage the subtlety of human ingenuity; it had dispersed and disseminated and decomposed and irised the bundle of light like a prism of a thousand facets which in stead of amplifying reality oddly multiplies and stains it.

This old clothing of the human mind did no longer suit it and many a distinguished voice had been raised to oppose its use and reclaiming another less motley and more becoming; at the University of Paris it had provoked eager protests and, what is more significant, even here at the recent University of the scarcely settled colony there were illustrious teachers whom the scholastic jargon stunned and sickened. But then there was no other pasture for mind; the great discoverers and the great reformers of the method were still long in appearing. The Earth seemed firmly settled in the centre of the World sustained by a diamond axis, as Ptolemy described it, as the Scriptures seemed to teach and as it was beheld by the Florentine in the magnificent rapture of his superhuman vision.

Thus, during the first century after the Conquest, the science cultivated in Mexico was envelopped in the motley scholastic cloak; but this does not imply any blame on the Spaniards who brought us the science they had; they rather deserve praise, because they imparted it not with mean niggardliness but with magnanimous prodigality.

This is proved by the many nurseries of teaching they created. In the sole first century of the conquest they founded the College of the Holy Cross of Tlalotelco for Indians, that of St. John of Lateran for mestizos, the College for girls, the Maximo college of St. Peter and St. Paul, All Saints' college, St. Paul's college and the Royal and Pontifical University of Mexico on which the same privileges were bestowed as that of Salamanca enjoyed; and besides all these there were the schools for elementary instruction.

In those colleges the science of that time was taught, the initial phase of the Mexican science; from the confuse mass of the *trivium* and *quadrivium* there was going, by little and little, to rise, to get defined and to detach itself the positive science, the soul of the contemporaneous mind.

Mr. Garcia Icazbalceta's learned and magisterial pen will furnish us the colours to trace two pictures which, completing one another, will make us acquainted with the state of science of that epoch; the first, with its plan of studies and staff of professors will represent the University, head key and pattern of the teaching of that time; in the second we shall portrait several scholars of that epoch, telling about the works they wrote or the useful things they performed in the practical sphere. Decent science and militant science; science that teaches and science that acts, such are the two factors whose product will represent with sufficient exactitude the initial phase of Mexican science.

The University of Mexico was founded on September 21st, 1551, in virtue of a schedule issued by Prince Philip who under the name of Philip II was to be, a few years later, the successor of Charles V and was to acquire one of the most accentuated and vigorous historical renowns. Sir Lewis Velasco, father, second viceroy of Mexico, had the honour to carry the royal order through; but the steps made to obtain the despatch thereof were due to his illustrious predecessor, sir Antony Mendoza, whom it is just to honour as one of the greatest benefactors and illustrators of nascent Mexican society.

The University was inaugurated on January 25th, 1553; the viceroy and the Audiencia assisted at the first lesson delivered from each chair. The following was the staff of the first professors of that well deserved institute. The judges Rodriguez de Quesada and Santillana were invested with the charges of Rector and Master of school; friar Peter de la Peña, of the Dominican Order, was professor of theology in which office he was soon replaced by John Negrete, master of Arts by the Paris University, archdeacon of the Metropolitan cathedral and whom Mr. Icazbalceta calls omniscient; friar Alonso de la Veracruz, of the Augustin Order, filled the chair of Sacred Scripture first and later on that of scholastic theology;

Dr. Morones, attorney at the Audiencia, taught Canons and Dr. Melgarejo, soon substituted by Dr. Arévalo Cedeño had charge of the course on Decretals. Justinian's *Instituta* and the chair of Laws were entrusted to Dr. Frias de Albornoz; the chair of Arts was performed by the presbyter and canon John Garcia, that of Rhetorics by Dr. Cervantes Salazar and that of Grammar by B. Blasius de Bustamante.

Regarding these professors Mr. Icazbalceta expresses himself in the following terms: «Almost all the first professors (of the University) were persons distinguished by their literary career and the offices they held.» Among them a special mention for his independence of mind and his notorious competency is deserved by the teacher friar Alonso de la Veracruz: he published several books in latin, as then the fashion was; noteworthy for the desire he showed therein to set an end to the obscurity and confusion of the dialectics of that time. An equal note and for the same titles is due to Dr. Frias de Albornoz, author of a treatise on the conversion of the Indians written with so much boldness that it was seized by the Inquisition. Regarding the learning and capacity of master Albornoz we have the testimony of so competent men as Nicholas Antonio and Francis Sanchez de las Brozas, more generally known by the name of Brocense; the former says Albornoz «was a man of eminent genius and of a monstrous memory» and the latter calls him «a most learned man and most perfect in all the languages.»

From this rapid sketch it will be clear what the scheme of University teaching was. Latin, the bronze door of knowledge in those days, occupied the first place



Mexico. All Saints' College

and was studied under the name of Grammar. It was followed by Rhetoric whose aim was to embellish speech but with the greatest good faith rendered it subtle, refined, witticising, stilted and strange. Then came the course of Arts by which name they then designated what we now call philosophy: it comprised what man may attain by means of the natural lights, that is to say, without the help of revelation; that course embraced all the positive knowledge of that epoch and was divided into natural philosophy and moral philosophy. In the former they taught all about external nature, not what may be learned by observation and experimentation, but what Aristotle devised regarding physics and Pliny narrated concerning natural history; mathematics was comprised in this part of Arts and remained reduced to the geometry of Euclides which, by the by, was the only solid and almost perfect material of that colossal and heterogeneous scheme.

Moral philosophy, comprising human mind, was divided into logic or dialectics, metaphysics or knowledge of the substance, whose principal chapter was pneumatology or science of the spiritual substance, subdivided into science of the human soul, the angel soul and divine spirit, and into Ethics or Morals.

He who concluded the studies of the course of Arts was graduated a baccalaureus and if he continued studying he could become graduated a Master or Doctor in any of the following Faculties: that of human Lettres or Humanities, a profound knowledge of the classics, chiefly the Roman or Latin ones;

the Faculty of theology or knowledge of Divinity, being reputed then as the foremost and principal, as the basis of the social, political and moral order; the Faculty of Laws comprising Roman law, canonical law and the Legislation of the Peninsula. The Faculty of Medicine was not established when the University was founded, but only in 1578, its first professor being John de la Fuente.

We are glad to allow Mr. Garcia Icazbalceta to state his opinion about the University teachings. Hear what he says:

«Thus, by such antecedents it appears clear the teaching at the University must needs be essentially scholastic; besides we have a proof thereof in the nomination of friar Alonso de la Veracruz for a chair of St. Thomas. There are persons, and a good many they are, whom the name of scholasticism only inspires aversion or despise, although they never troubled themselves to ascertain what it is they despise. They forget that «generally proneness to laughter is a proof of ignorance.» Scholastic philosophy, rehabilitated only to-day in the person of one of its most illustrious masters, has contributed perhaps more than any other human discipline to the development of intelligence and during its long reign of centuries shows names no other school can boast to equipose by equal ones. Always provided with a superior light it may raise its flight without fearing to fall into the lamentable blunders of human reason wont to show us so afflictive sights. But as all things go astray and to ruin in the hands of men, the powerful dialectics of scholasticism gradually was converted into a silly fondness for disputations sustained with puerile and void argumentations causing its discredit greatly increased by the blind endeavour to sustain the principle of authority in matters of opinable nature and subject to examination by the senses. The difficulty of those intricate doctrines became so great that seldom there was to be found a mind vigorous enough to discover an issue out of the labyrinth: then, by a forcible reaction, the wholesome reins of authority were totally shaken off, even where they were most needed, and the wits of men abandoned to themselves came to give us the sad results of the loftiest pride often allied with the most superficial instruction.»

«When the movement against scholasticism was developing, many a sustainer of that ancient philosophy knew quite well the system's vulnerable side and foresaw that, the breach once opened and the enemy in possession of the place, he would not limit himself to correcting the bad part but would pull down all. Most of the scholastics adopted the plan of defence by all means; but there were some who without abandoning the field, acknowledged reform to be indispensable; however, the authority of the doctrine, its immediate connexion with the religious truths, the deep roots it had sunk and the fear to go astray or to expose themselves, at least, to the note and censure of their friends, caused them to act with excessive timidity.» (Works of Garcia Icazbalceta, vol. I, pp. 211-213).

Such is the first outline we wished to trace; decent science appears therein as it was being taught in the XVI century, in the most authoritative of our auditories. Let us trace now the complementary sketch in which, leaning on the same learned writer, we may show science as it was practised and written by scientists. We shall choose physicians because the exercise of their profession requires numerous and varied knowledge.

A tout seigneur tout honneur. Let us begin with Dr. Peter Lopez, one of the most renowned of the century who, although he wrote nothing, must be cited in the first place for his long and apparently successful practice as also for his charitableness and the hospitals he founded.

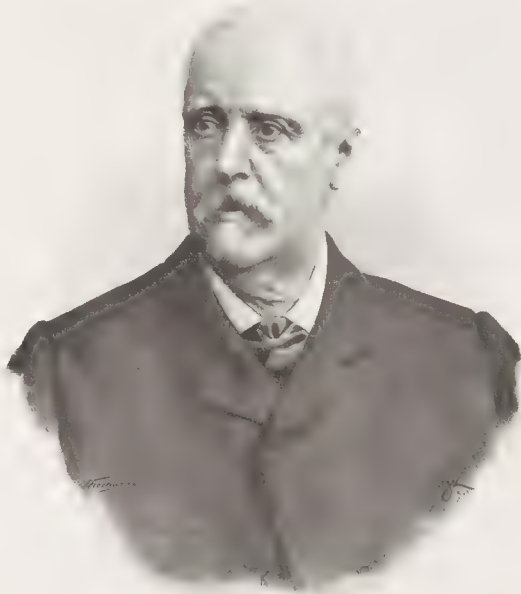
According to Mr. Icazbalceta there were two physicians of that name; the first of them figures as Cortes' physician since 1524, accompanying the conqueror to Hibueras. He regressed to the city of Mexico having been reputed dead like all who partook of that funest expedition. He was the first who got the title of protophysician of Mexico and with that character he was received by the Town Council meeting on January 11th, 1527. He was granted a plot in Perpetua street where he built a sumptuous house. Cervantes de Salazar who wrote in 1554 mentions that house and speaks of its owner in the following terms: «These houses were Dr. Lopez', a very clever physician and useful to the Republic.» From these words Mr. Icazbalceta rightly infers that Peter Lopez was dead in the year mentioned.

The second of this name, more celebrated than the first, was not a son of this, for he was born in 1527, in the town of Dueñas, in Castile, at which epoch the first Lopez lived in Mexico. This second who was a benefactor and philanthropist, received with great pomp the degree of M. D. in the town of Mexico, in the year 1553, exercised medicine with general applause and was signalled for his virtues among which charity excelled. In the prologue to the Statutes of the University he is said to have been as learned as given to charity; for more than forty years he was physician to the convent of St. Dominic; in 1572 he founded the hospital of St. Lazarus and ten years later that of St. John of God where he established a foundlings' ward. He died at a very advanced age in St. Lazarus hospital whither he had retired wholly withdrawing from the world. Mr. Icazbalceta dedicates him the following lines:

«The memory of charitable doctor Peter Lopez ought to be gratifying for us because he was the first to found in this country an asylum for those helpless creatures more than sixty years before the memorable assembly where St. Vincent of Paul put them under the protection of the first ladies of Paris and nearly two centuries before the most illustrious archbishop Lorenzana immortalised his name creating the establishment now enjoyed by the capital. And in spite of all this, no statue, no monument, not even a simple inscription remind people what they owe that charitable doctor; no asylum for the unhappy bears his name; the place is perhaps usurped by others who increased the evils of mankind instead of alleviating them and the memory of Dr. Lopez is hardly conserved in vetust chronicles that nobody reads. It is thus Mexico cares for her true glories. The beneficent doctor would not mind oblivion; he never worked for that little smoke called mundane glory; to a higher prize he aspired and will have attained it; for us it would be much more important to show ourselves grateful and to provoke by our homage the imitation of virtues, not of vices.» (Works of García Icazbalceta, vol. I, p. 87).

If Peter Lopez was remarkable for his virtues, his ample knowledge and the precious materials he contributed to the advance of science, the gratefulness of posterity is also deserved by the illustrious Dr. Francis Hernandez, native of Toledo where he was born in 1517. He was physician in ordinary to Philip II and the Spanish monarch sent him to New Spain that he might write the Natural History of that country in its relations to medicine. He arrived at Mexico in September 1570, laboured seven consecutive years in the fulfilment of his commission, making painful travels and consuming his health.

Philip II was believed to have supplied with munificence the necessary funds; however, the doctor's letters to the monarch, recently published, prove the contrary. He was paid only a scanty salary, he had no allowance for his travels and other expenses required by his commission; and, nevertheless, he



Joachim García Icazbalceta

consecrated himself to its performance with the greatest disinterestedness renouncing the practice of medicine and so forbearing from winning (he tells the king in a letter) more than 20,000 dollars.

He made descriptions and drawings of the plants and animals of New Spain, made experiments in the hospitals with indigenous medicines and instigated the physicians to dedicate themselves to such studies. He carried his work to Spain in 1577; it consisted of sixteen volumes of text and illumined stamps about natural history and one more about the customs and antiquities of the Indians.

It would be useless to extol the great service done by this illustrious man not only to nascent national science but to the science of the whole world, labouring so precious materials, fruits of observation and experiment, and advancing far before his epoch. Unfortunately, the carelessness of the times frustrated so inestimable and laborious a work, that was on the point of being wholly lost.



Doctor Gregory Lopez

Mr. Icazbalceta relates that so useful a work, instead of being immediately printed, was buried in the library of the Escorial, with great pomp, indeed, for, Licentiate Porreño tells us, the books were luxuriously bound, covered with blue leather, with gold figures and silver clasps, corner plates and studs, very thick and of excellent labour and artifice. But so much luxury was no obstacle for the work being consumed in the great fire of the Escorial in 1671, there being saved only a few drawings that by their merit caused people to comprehend the enormous value of what had been lost and to be so more sorry for the loss.

Fortunately, soon after the author's death, Philip II had commended another of his physicians, the Italian Recchi, to abridge the

work of Hernandez. This was done, but the compend remained unedited like the great work and perhaps would have been lost, had not prince Frederick Cesi acquired the manuscript. This illustrious nobleman had founded at Rome, in 1603, the Academy *dei Lincei*, the oldest in Italy and that had the honour to reckon Galileo among its members. Cesi published the work at his expense and the academicians illustrated it with notes and additions; it was printed in 1628, with the title of *Rerum Medicarum Novae Hispaniae Thesaurus*, in a big volume in folio with figures of plants and animals engraved in wood.

Let us mention an humble lay-brother of St. Dominic's at Mexico, who without the aid of princes or academies busied himself in making the world acquainted with Hernandez' works, publishing at Mexico, in the year 1615, Recchi's compend translated into Castilian (Hernandez had written his great work in latin) and revised by Dr. Francis Valle; this lay-brother's name, quite worthy to pass to posterity, was Francis Jimenez. The work is composed of four books, the three first treating of plants and the fourth of animals and minerals.

Let us cite another type of a singular medical man: the venerable personage of Gregory Lopez does not deserve this distinction as author of a book called *Thesaurus of Medicine* which is nothing more than a copious compilation of extravagant prescriptions and formulae; however, a curious particular is to be noted therein, pointing out the originality and boldness with which the healing art initiated itself in the new colony. The author, when speaking of the stupeficient properties of mandrake, says: «Reason and senses suspended for three hours; medical men are wont to use this expedient when they have got to cut or cauterise some bone or member.» Mr. Icazbalceta infers from these words that in Mexico anaesthesia was attempted as early as the xv century by the use of mandrake.

Gregory Lopez's fame we said, was not due to his book but to his fondness for retired life. At that epoch of profound faith, of intense colouring, of vigorous ideals, it was a common thing for men to feel themselves eagerly impelled either to activity or to retirement. Our doctor became fond of the latter, sought solitude in the thickness of forests, in the roughness of remote mountain ranges, and saw the end of his days arrive in 1596, in the quiet precinct of the hospital of Santa Fe.

The vivid religious feeling of that epoch reveals itself also in surgeon John Unza who, by a contrast not rare in those days, entered good life through the door of wickedness by the working of a profound repentance. He had perpetrated a manslaughter in Spain and retired to the hospital of Our Lady of Guadalupe, in Extremadura, and in that retreat he acquired the knowledge of his art. He longed to expiate his misdemeanour by suffering martyrdom and went to New Spain, taking the habit of a lay-brother in the convent of St. Francis at Mexico. After exercising his profession for charity's sake during many years and being already in old age he determined to go to the Philippines, but death stopped his pace and our surgeon deceased at Acapulco in 1581. When any one of his patients died, he is said to have whipped himself at night more than he was wont to do, wishing to purge the guilt he might have incurred by omission or carelessness.

It is quite noteworthy for the history of Mexican medicine that in the xvi century necrotomies were pretty often made to ascertain the nature and lesions of diseases; brother Alonso Lopez, who during fourteen years was physician to the Royal Hospital of Indians, made many dissections in the epidemic of 1576, in order to determine the nature of cocolixtli. Lopez was the author of a *Sum and Compilation of Surgery* divided into ten books and more than two hundred chapters. Doctor John de la Fuente, first professor of Medicine at the University of Mexico, is said to have convoked all the physicians during the great plague of 1576 and in their presence to have made the necrotomy of one of the many Indians who succumbed to that disease.

Doctor Cárdenas, in his *Treatise on problems and marvellous secrets of the Indies*, printed in 1591 by Peter Ocharte, treats of questions of an encyclopedic character, not limited to mere medical lore. Nor must we forget mentioning father Augustin Falfan, an Augustine monk, who was the first Mexican to print a treatise of medicine of which four editions were made, a proof of the esteem that book met with.

Shadow serves to enhance and show off the charms of light; let us present therefore in a few lines the reverse of the medal, for not all the physicians of that epoch, as it may well be understood, could be virtuous or learned. This is proved by the dispositions and resolutions of the town council to prevent abuses in the exercise of a profession which according to the hand that practises it, may produce much good or much evil. On February 3^d, 1531, master Diego de Pedraza was named attorney-general of physicians, surgeons and bonesetters and, in general, of «those who heal and kill in diseases.» Later on the fee for each visit was fixed at one toston, because excessive honoraries were asked; quacks abounded then, as there is no lack of them now; a certain Murcia apothecary and barber, is spoken about and a surgeon is mentioned by Bernal Diaz under the name of master John, as having come with Narvaez whom he healed the eye they broke him in the evening he was seized; one John Catalan is also spoken of, who if he did not heal the wounds, he made the cross over them and becharmed them.

We hope we have said enough to give a full idea of the state of Mexican science in the xvi century constituting what we have called the initial or primitive phase of our intellectual movement.



Mexico. — Old University

CHAPTER IV

TRANSITION PHASE OF MEXICAN SCIENCE

IN the course of the XVII century science underwent a great reform movement set about by first rate discoveries changing the old conception of the world and by happy philosophical attempts achieved by men of extraordinary genius in order to innovate either doctrines or methods or both at once.

Galileo, discovering the laws of the pendulum, the laws of the fall of bodies, guessing atmospheric pressure, testing and proclaiming the system of Copernicus, was the first to disentangle science out of the old peripatetic swaddling clothes and to push it on a new and fecund path; almost at the same time Kepler discovering and formulating the laws of planetary movement caused science to make a giant's stride and lastly, the most eminent scientist times ever produced, eximious Isaac Newton, formulated the law of gravitation, invented, at once with Leibnitz, infinitesimal calculus, realised portentous discoveries in optics and laid the foundation of a new method of investigation.

In the philosophical sphere two truly colossal figures arose: Francis Bacon and René Descartes. The former, writing his *Novum Organum*, dealt the old school a death blow and traced an outline of the experimental method. Descartes, an illustrious savant who had created analytic geometry, who had formulated the second law of refraction, rose to the same philosophical height proposing methodical doubt and the criterion of evidence as the surest means to reach truth.

So transcendental reforms destined completely to transform science, deeply to stir human knowledge and to push the intellectual movement in a new direction, could not make their influence immediately felt in the remote confine of the world called New Spain.

In the preceding chapter we said the Spaniards brought these lands the science existing at that epoch, but that the Spanish soul was to impress on it a special tinge. Now, the nation that boasted of having been catechised by the apostle St. James, that had expelled from her territory the Moors after fighting them during eight centuries, that patronised the great Genovese to enable him to find his way to the Indies and carry those countries the light of the Gospel, that under Philip II constituted herself into an eager paladin of catholicism and an implacable enemy of religious reform, that, in order to shelter herself more against the new ideas and to prevent the contagion of heresy, armed the Tribunal of the Faith more than other nations did, that nation was doubtlessly fitter to propagate the splendid ideals of a century of faith than to spread the sharp arrows of an epoch of criticism. A nation of that kind would prefer abstaining from the new knowledge to compromising her faith for whose pureness she had shed her blood by streams. The new scientific movement ought therefore to find in Spain a long and stubborn resistance, the new ideas were not to enter her before she was vanquished in every sphere, the political, the economical, the industrial; until the dynasty of her national kings became extinct and a foreign dynasty occupied her throne and wielded her sceptre.

Only catholicism with its impressing ceremonies that exalt the imagination and ravish the mind, with its august mysteries and majestic dogmas, with its severe discipline and the brilliant retinue of its artistic production was able to satisfy the aspirations of that fantastic, dreaming and passionate people. Luther's cold reform, with its void temples, with its worship deprived of images, of art and of dreams, might be appropriate for the foggy countries of the North; but passing over the Pyrenees it must vanish like a spectre before the ardent and luminous sun that ripens the Andalusian grapes and offered the Sevilla school the calid tones of its matchless palette.

With such a people Inquisition was superfluous; more than its autos, more than its perpetual jails, more than its grotesque paper coronets and its pitiless stakes, the vivid imagination and passionate character of Spanish people hindered the introduction and progress of heresy. How was the native country of St. Theresa de Jesus, of Friar Lewis of Granada, of Friar Lewis of Leon, the motherland of Murillo and Velazquez, of Calderon and Lope, of the victors of Lepanto, to feel inclined towards the cold abstractions of the North, the dry reasonings and the strict analysis of men like Zwingli, Calvin and Melancthon?

Thus, then, religious reform first and the scientific and philosophical ones afterwards, found the road into the Peninsula totally obstructed. The Spanish nation ruled by the Austrias wantonly squandered away the blood of her sons and the gold of the New World; she jeopardised her political supremacy in order to hinder the introduction of novelties which she held for so very funest.

That supremacy was last at lost, the Austrian dynasty became extinct and after a formidable war that cost Spain the Netherlands, the Italian possessions and allowed the English to seize Gibraltar, she admitted for her sovereigns the members of a reigning house constantly hostile to her own. The Iberian nation, dismayed and spiritless, allowed herself passively to be led by her new chiefs towards ideas so repugnant to her and which even then she did not accept willingly, opposing them with the still resistance of bad will. During the long reign of the first Bourbon, during the prosperous reign of Ferdinand VI, that is to say during more than half the XVIII century, the new ideas that transformed the world of science and the throne of philosophy made but insignificant progress in Spain.

We must come to the reign of Charles III who under the influence of so eminent men as Aranda, Campomanes, Floridablanca and others resolved to adopt the new ideas and to open new paths for Spain. Nothing can paint truer the resistance to the new doctrines than that opposed by the famous University of Salamanca to the reforms that were to be introduced into the plans of teaching. Father Rivera, shod trinitarian and professor of theology to the said University, called Heineccius, Rollin and Muratori «encyclopedists» and Modestus Lafuente tells us how the first University of the Kingdom expressed herself: «Now all ideas about innovations were repelled; in philosophy the peripatetic's system was unimprovable; Newton, Gassendi, Descartes, Wolf taught nothing useful; Musschenbroek's physics had the defect not to

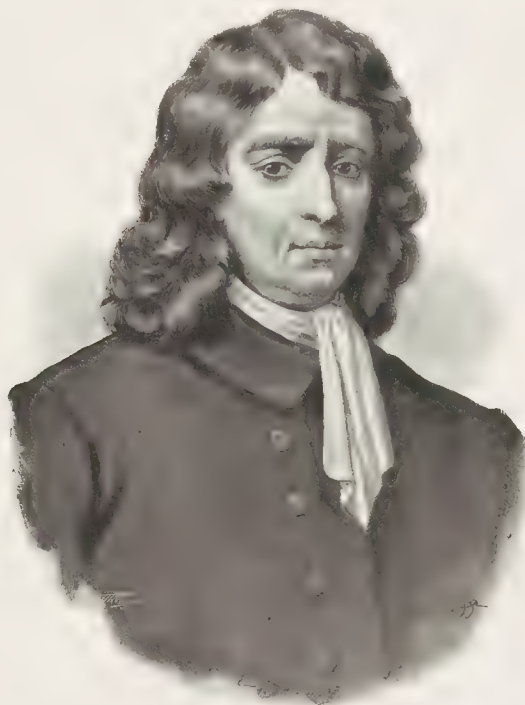
be intelligible without the study of geometry; Goudin was by far preferable being more concise and written in good latin.» (*General history of Spain*, vol. XX, p. 368, edition of 1869).

Now imagine what could be the spreading in the colony of novelties received with so much disgust in the mother-country. Nevertheless there were students who were acquainted with and adopted the new ideas, who under their influence formed and distinguished themselves and they represent a second period of the intellectual and scientific movement in Mexico which we denominate transition period because, during the same, science gradually emancipates from theology, is acquiring life of its own and begins to

be cultivated in a separate and independent manner. This period embraces more than a century extending from the last third of the xvii century up to 1788, death year of Charles III.

To paint this period we can do nothing better than sketch the scientific personalities of the eminent men who in our opinion personify the same. They were Charles de Sigüenza y Góngora, Francis Xavier Gamboa, Antony de Leon y Gama, Joachim Velazquez Cárdenas y Leon and Joseph Antony Alzate.

Very noteworthy for the universality of his learning was Charles de Sigüenza becoming renowned as a poet, a philosopher, a mathematician, a historian, an antiquarian and a critic. He was born at Mexico in 1615 and was bred in that town. His biographers relate that when only eighteen years old he was already remarkable for his knowledge of Mathematics, Physics and Astronomy. In 1660 he took the Jesuit habit, making his first vows in 1662, at Tepozotlan College.



Isaac Newton

In that peaceful retreat propitious for meditation and study he improved in Astronomy, Physics and Mathematics. Then he secularised himself sundering from the Company of Jesus and consecrating himself to the sacred ministry and culture of the sciences. His fame crossed the seas, passed over the Pyrenees and reached the brilliant court of Lewis XIV who invited the Mexican savant to come over to Paris offering him honours and riches for which our illustrious countryman was grateful without accepting them.

A very remarkable man he was. He repudiated the peripatetic philosophy and adopted the Cartesian that inspires his writings giving them a deep interest and purging them of the heavy scholastic jargon that infests the works of that epoch. We will mention some of Sigüenza's writings wherein making a noble display of science he combats inveterate and very far spread errors about natural phenomena. He gave the name of «Bellerophon mathematician against the astrological Chimera» to one of his works wherein he refutes the opinions of a Flemish gentleman called Martin de la Torre who had sustained comets were expressly sent by God to advertise great calamities.

In the same sense a «Cometological discourse» was published by Joseph de Escobar Salmeron y Castro, who far from being a vulgar person, was professor of Anatomy at the Royal and Pontifical University of Mexico. This discourse was dedicated to no less a person than the most glorious patriarch Mr. St. Joseph. Mr. Sigüenza with a noble disdain opposed the following words: «I think never to answer that paper because its extraordinary writing and the amazing affirmation that the comet (that appeared in 1680) had been formed with the exhalable part of deceased bodies and human sweat do not deserve so much.»

The Flemish gentleman was not the only one whom the comets caused delirium; for our savant was also combated by the Jesuit Eusebius Francis Kunt, known in Mexico by the name of father Kino, whom our learned countryman answered publishing a luminous book titled *Libro Astronómica y Filosófica*.

About 1693, the viceroy count Galve nominated him to form part of a scientific expedition destined to reconnoitre the Mexican Gulf, a most useful commission which our savant accepted with pleasure and performed with success. Its fruit was the book he published when back with the name «Description of the bay of Santa Maria de Galve (formerly Panzacola), of the Movila and Palazade river or Mississippi, on the North coast of the Mexican Gulf.» He still wrote a treatise on solar eclipses, another on the sphere, and many more on a great many various matters.

Mr. Francis Xavier Gamboa may be considered as the most illustrious jurisconsult of the colonial period; he is, besides, very noteworthy for his fondness of the positive sciences by whose commerce his mind acquired that clearness and lucidity that distinguishes his allegations.

About 1755 the Consulate named him to go to the Court and forward sundry business of importance; in order to perform his commission with more ken he consecrated himself to the study of mathematics and mining, acquiring in these branches commonly not within the range of a lawyer's cognizance so exact a knowledge that he was able to publish a remarkable treatise on subterranean geometry.

A very learned man in exact sciences and astronomy was also Antony de Leon y Gama who wrote very interesting memoirs on the satellites of Jupiter, on the climate of New Spain and in company with Mr. Velazquez undertook the necessary labours to fix the longitude of Mexico. He was a very notable antiquarian and his description of the so called calendar-stone is a classic one.

Mr. Velazquez y Leon excelled in science properly so called of which he made so brilliant applications as to deserve the praise of eminent Humboldt. Mathematics, geodesy and astronomy were the branches of knowledge he cultivated with preference. Fortunately the works of Newton and Bacon had come

VOL. I.—110.



Charles de Sigüenza y Góngora

into his hands and guided by these eminent masters of human intellect he made great progress in the path of science.

A curious particular fact in this savant's life is that he lacking resources and not finding in Mexico the instruments required for astronomical observation, constructed his own spectacles and quadrant and exercising the profession of a lawyer he gathered money to order from England the most delicate instruments it was not possible to construct here. He accompanied Joseph Galvez in his visit to Sonora; afterwards he was sent to study both Californias and the clear and clean sky of those regions afforded him opportunities to make many astronomical observations, among them a very remarkable one allowing

him to show his knowledge on a singular occasion.

In the course of the year 1769 a passage of Venus over the sun disc was to take place; the observation of this astronomical phenomenon is of the utmost scientific interest serving as a basis to measure the distance from earth to sun; this distance once determined is taken for a unity to calculate the distances of the other planets from the sun. At the epoch we are speaking of that observation had a greater interest than ever, for those distances were not measurable yet and astronomers must rely on conjectures their appreciations varying enormously.

Now this phenomenon was to be visible in the Californias and Velazquez making the best of his residence at those sites and convinced of the importance his observation would have proceeded to make it with the greatest exactitude. At the same place and to the same purpose there was abbé Chappe, a French



Joseph Antony Alzate

geometer, and Mr. Velazquez communicated him his observations. Humboldt speaks highly of the merit of our savant and states the utter surprise of the Frenchman at seeing that so exact an observation had been made by a man not belonging to any Academy, born and bred in New Spain and disposing of but imperfect instruments. Thus our country-man had the honour to have contributed to measure the main line of the portentous edifice of our planetary system and to have contributed in realising a stupendous work of science.

His stay in California served him also to correct the very erroneous longitude assigned by geographers to that region. In 1773 he determined scrupulously the longitude and latitude of the town of Mexico. Among his notable works we must still count the map of New Spain and the careful geodetic operation wherewith by means of a precise triangulation extending from Peñon de los Baños to Sincoque hill, near Huehuetoca, he traced the topographical map of those regions. He was commissioned to present some projects for the organisation of the mining tribunal and was its first director. The beneficial existence of this savant extended from 1732 to 1786; he was born in the neighbourhood of a tiny Indian hamlet called Tizicam and died at Mexico full of honours and considerations.

Presbyter Joseph Antony Alzate is another of the Mexican scientific eminences that represent honourably the period we are speaking of. While Gama, Sigüenza and Velazquez gloriously cultivated the exact sciences applying the preceptions of the deductive method, Mr. Alzate distinguished himself in the inductive sciences being the first Mexican who cultivated the experimental method. The New World ought to honour him on a par with Franklin, his illustrious contemporanean, for if the discoveries of this savant were more brilliant, the investigations of ours, many of them crowned with the best success, were more numerous.

Like Boston's illustrious son, Alzate consecrated himself to experimental physics and meteorological studies, made interesting investigations about electricity, exposing his life many a time and destroying his health. In 1789 there happened in Mexico a meteorological event, most rare in these latitudes and notable for its magnific splendour; we refer to the aurora borealis or northern streamers seen in that year and about which Mr. Alzate made most interesting observations.

Still more than in experimental physics and meteorology it was in Natural History that Mr. Alzate found a nearly virgin soil to explore and cultivate. The richness of our flora, the variousness of our fauna, the curious and odd aspect of many of our insects called the attention of this illustrious savant who, availing himself of observation and experimentation, realised remarkable discoveries in this almost desert field.

Mr. Alzate studied our species of humming birds, our swallows and their notable emigrations and that curious insect called *grana* and cochineal, then forming a considerable branch of public wealth, so much so that the quantity of cochineal exported through Veracruz represented about two and a half million dollars every year; he also studied the *axe* (1) and a very large number of plants.

It is to be lamented that so distinguished a naturalist would not adopt the Linnean system which then was the admiration of Europe and the great scientific event of the epoch; some tribute our savant must pay to human frailty.

At the side of the scientists we have cited in this period as its personification, a honorable mention is deserved by the eminent Jesuits Andrew Cavo, Francis Xavier Clavijero and Francis Xavier Alegre, very notable historians; the ancient History of Mexico by Clavijero is an actual monument and its chief aim was to refute the errors spread in Europe about the Indies by Raynal and Paw; we also owe a mention as historiographer to Licentiate Marianus Veytia and Dr. Joseph Ignatius Bartolache deserves to be named for the universality of his knowledge, for having been the worthy emulator of Alzate, for having introduced the use of iron into Mexican medicine and for his philosophical independence that led him to sustain, in a public act, the necessity of reforming the ideas reigning in science and of putting a stop to peripateticism, thereby bringing upon himself a bloody persecution.

(1) *Axe* is a resinous substance produced by the sting of an insect in various plants.



Mexico. Preparatory school. Zoological hall

CHAPTER V

INDEPENDENT PHASE OF MEXICAN SCIENCE

WITH the last years of the eighteenth century there begins in Mexico the period of full and definitive constitution of science extending up to this day. Science contrives at length to set herself entirely free from theological tutelage, acquires her proper and exclusive field, possesses fit methods and convenient means for investigation. The savants write no more chapters of theology when cultivating science, no do theologians forge science when dilucidating theological questions.

Theology and science occupy at last two completely sundered dominions; the former reserves for herself the knowledge of Divinity, now utilising the supernatural lights of revelation, now employing, although with the character of a mere auxiliary disposed to submit to the dictates of faith, the lights of reason. Science for her part, has appropriated as her own the phenomenal knowledge of the world, the modifications of the things surrounding us and referring to our own being, the laws that link and rule these modifications, the earth with the beings that people the same, man with the societies he forms, the sky with the stars spread over it, and having appropriated these vast premises, sustained her independence, not acknowledging any other court but the methods it had constituted and whose efficaciousness it had repeatedly set to proof.

This does not imply the scientist had formed the deliberate purpose of denying the theological assertions. On the contrary, all those of the beginning of this period, and many nearer to ourselves, and

VOL. I.—PART EIGHTH

SCIENCES

Mexico.—Engineering School: Main staircase



even of our own times, conserved their belief intact, never thinking they undermined or abjured it, when claiming independence as their due in the special field of their investigations. The physicist commended the divine the care of illustrating him in things concerning Divinity, but, in exchange, he expected the theologian, in his character as such, not to intrude into the field of physics.

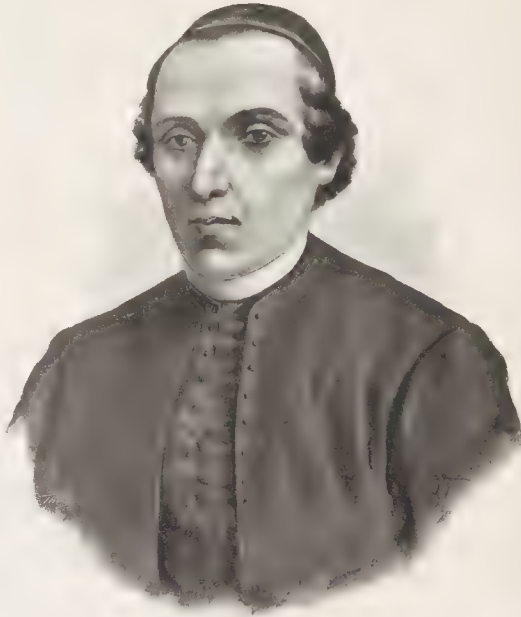
It is very difficult to mark with some exactness the limits between this modern period of Mexican science and the anterior period we have called of transition and which is equally difficult to sunder from the times denominated by us initial period. It is easy to understand that such periods are characterised only at the epoch of their fastigium, of their fulness, when all their distinctive signs become accentuated and standing out; but these same signs show themselves by little and little less prominent as we approach the foregoing or the aftercoming period whence it comes that the divisory lines are vague and vanish in a kind of zone of crepuscular appearance wherein the signs of two consecutive periods seem to have melted.

Notwithstanding we may point out some precise events that mark the rise of the modern period of Mexican science. The administrative improvements introduced in Spain by Charles III's reforming and progressionist administration having been realised, instruction having been improved by granting the positive sciences a wider range in its program, the Spanish government anxious to know its American dominions better having them explored by men of perfect competence and desirous to foster the intellectual progress of these lands, sent some distinguished savants to America.

All this produced a remarkable intellectual movement impulsive of science and apt to make it thrive.

Several maritime expeditions like those intrusted to illustrious Malaspina and to MM. Galiano and Valdés were undertaken with the aim to survey the immense extent of the American coasts washed by the Pacific. The carelessness of the last sovereigns of the Austrian dynasty had been such that those regions in spite of their exploration by Cabrillo, as early as the epoch of the first viceroy, as far as the coast of New California up to the 43rd parallel, having been visited once more later on by the great navigator Sebastian Vizcaino, had almost been forgotten, so much so that the English thought they had been the first to discover them and gave them the name of New Albion; the English navigator Drake had indeed explored the Northwest coast of America in 1578, but his voyage was posterior to Cabrillo's by more than thirty years; captain Cook explored the same regions in 1778.

A new and formidable power was rising in Europe, Russia; since 1741, her flag, hoisted on the ships commanded by Bohring and Chirikof, had waved in the extreme Northwest of America. Now the Spanish government, afraid the Russians or the English might possess themselves of dominions belonging to it,



Francis Xavier Clavijero

sent out the afore mentioned maritime expeditions to survey anew those coasts and to confirm its possession of those lands. In order to spread another kind of knowledge they sent to South America as well as to New Spain some first rate naturalists, as Ruiz y Pavon, Mutio, Sessé and Mocino.

As we stated before, the intellectual movement brought about by these different expeditions was one of the causes promoting the definitive constitution of science in Mexico; another cause was a more concrete event, the foundation of the Mining College. New Spain and Peru were the districts that sent more precious metals to Spain. The Potosí hill in Peru had produced a large quantity of gold and the Guanajuato mines in Mexico had yielded enormous quantities of silver. In New Spain there were besides other very rich mining stations, such as Taxco, Real del Monte, Zacatecas, Sombretete, Fresnillo and others. It was therefore of utter necessity to improve the working of the mines and for that purpose to form scientists who might push on so important a branch of public wealth. In order to actualise so lofty an idea, in 1792 they inaugurated the Mining College, a superb nursery contemporaneous with the Paris Polytechnic school and well nigh as deserved as that. To establish and to fill the chairs of the new nursery there came over from Spain some distinguished savants, among others Andrew del Rio and Faustus de Elhuyar. A few years before, the Botanic Garden had been founded where constantly during many years a course of Botany was held.

Through the foundation of the Mining College exact sciences got a temple destined for their worship. There Mathematics was studied in its different degrees and branches, as also Topography, subterranean geometry, Mineralogy and other important sciences. In the constitution of positive science in Mexico an eminent foreigner, baron Alexander von Humboldt, acts a conspicuous part.

Considering the different facts we have pointed out as concurring in the forward impulse of science, we may mark, as the beginning of the scientific period we are going to talk about, the last years of the xviii century when those facts commenced to yield their fruits.

The modern period of science in Mexico may be subdivided in two epochs: during the first science is subservient to the necessities of a profession and is cultivated only so far as is required by the exigencies of professional practice; in the second science is cultivated for its own sake independently on any immediate and direct applications and heedlessly of any service its study might render to a given profession.

The transition of one epoch to the other, reflex of an analogous movement going on in the old world, was due in this country to the personal influence of a man of genius and vast science, Dr. Gabinus Barreda. The foundation of the National Preparatory School in 1868, is the culminating event determined by that transition. We are now going to study by order of succession these two interesting phases of our scientific evolution and will call the first the epoch of special scientific culture and the second the epoch of general scientific culture.

I

EPOCH OF SPECIAL SCIENTIFIC CULTURE

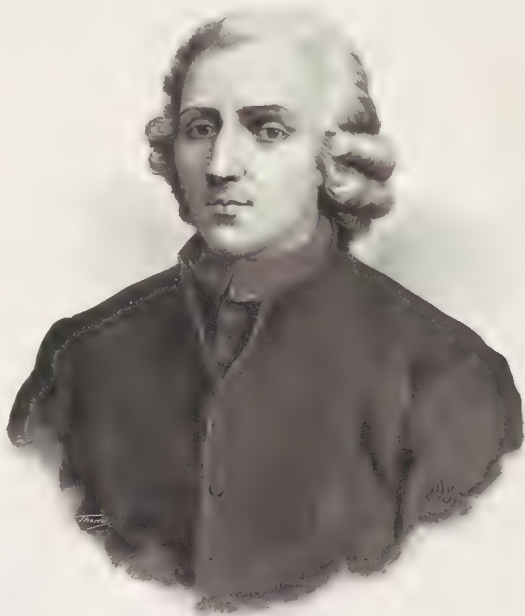
As in the old world the new and capital discoveries and the elaboration of proper methods for the investigation of truth came to discredit those vast constructions and those colossal synthesis forged *a priori* by a thinker in the solitude of his cabinet and by the sole strength of his genius, so in New Spain it happened in a rather equal manner.

At the beginning of the xvii century, Bacon had said in Europe: «Observation and experiment to gather materials, induction and deduction to elaborate them, are the only good intellectual machines.» Therefore, much was expected from a patient investigator, who reserving for himself, in the vast intellectual dominion, a small inheritance and to its tilling consecrates all the exertions of his will, all the patience of his character, all the resources of his genius.

Newton had already stated he had realised his portentous discoveries by incessantly thinking of them; Lavoisier, instead of forging like Paracelsus or Van-Helmout, lofty and fantastical scientific poems, based on occult properties and mysterious affinities of matter, dedicated himself patiently to weigh the bodies with care, to measure the gaseous volumes with exactness, to submit them to temperatures determined beforehand, to place them into a complex of well known conditions, to observe with the greatest accurateness what was going on, not venturing any unjustified conjecture nor affirming anything that was not sufficiently tested. Steering such a course, he discovered a new world: that of chemistry, differing from alchemy as far as reality from dream, as the fertile districts of America from Armida's sumptuous gardens.

In consequence thereof, at the end of the xviii and the beginning of the xix century it was admitted, as well in America as in Europe, that a savant ought to vow himself to a special kind of observations and restrict himself thereto; exaggerating that tendency disdain was manifested for scientific work not aiming at immediate application, after the fashion of the celebrated mathematician who having listened to a poem, shrunk his shoulders asking: «What does it prove?»

In his country scientific and intellectual activity had for its nucleus any of the four great professions in which students were classified and which marked so many specialities in the field of knowledge; these professions were: Mining, Medicine, Law and Church. Around Mining those men gathered who cultivated the exact sciences, around



Francis Xavier Alegre

Medicine they who consecrated themselves to the physical and natural sciences. They who pursued the forensic career studied a vast system of dissimilar knowledge comprising the knowledge grouped under the denomination of Humanities: latin, the classics, rhetoric; the studies belonging to Philosophy: Logic, Metaphysics, Ethics and natural Philosophy, and the study of Roman law, Canon law, natural law, international law and common law. The career of a churchman comprised the study of theology besides many branches of knowledge common with the lawyer's studies.

These four professions had a well defined part to act in the social machine of those times: the scientific miner was the man who with the help of science had to work the main source of public and private wealth. The mines, considering the large sums they produced, the colossal fortunes they raised, the aleatory side they showed, since in their working, as on the gambling board of a club, enormous capitals are improvised and disappear, exalted the Mexican fancy as prone to all exacting pluck as opposed to all requiring perseverance. Among other tempting examples there was Borda's, now ruined by the mines, now converted into a Cæsus; Borda who in his epochs of good luck could afford kingly expen-

ses such as building the church at Taxco, making the cathedral at Mexico the present of a rich monst-
 trance and raising at Cuernavaca a magnific villa.

The mining engineers, dedicated to manage works so good by themselves and so coveted by private
 persons, enjoyed in society an esteem proportionate to the consideration mining was held in. Besides,
 their knowledge of the exact sciences, cultivated as a rule only by them, caused them to be the sole

persons apt to accomplish the la-
 bours of surveying, topography,
 hydrography and cartography.

The physicians formed among
 the scientists a special group rather
 annoyed than favoured by fortune.
 Their Faculty far from being splen-
 didly established, like the miner's
 career, in a sumptuous college, la-
 mented, during all the first half of
 this period, the want of an institute
 howsoever modest, wherein to teach
 the medical sciences. Medical tea-
 ching continued incorporated in the
 old University and was communica-
 ted in a poor manner and without
 an experimental basis in the classes
 of prima and eve of medicine. Until
 the year 1833, when illustrious Va-
 lentine Gomez Farías, well deserved
 for Mexican progress, was in office
 as vicepresident of the Republic and
 suppressed the University and de-
 creed the creation of an Establish-
 ment of Medical Sciences, no attempt
 had ever been made at creating a
 School of Medicine.

Unluckily eminent Gomez Fa-
 rías' decree did not yield the hoped
 for results owing to the fatal cir-
 cumstances of those times. Santa



Baron Alexander von Humboldt

Anna took possession of the Presidency and inaugurated a retrograde administration that restored the
 ancient University, annulled all the planned improvements and instaurated all things in their former
 state. Medical men, however, did not dismay; by their private initiative and their incessant exertions
 they sustained medical teaching and, treated with ill-will instead of being fostered by the governments
 of those times, vagrant from one spot to another, without a steady place for their classes, they did not
 yield in their noble purpose until at last, in the year 1854, they succeeded, with their own resources
 and at the cost of continuous never ceasing efforts, in acquiring in the premises of the extinguished
 Inquisition a place where since then we find lodged what to-day is our School of Medicine.

What an example of self-denial, of love for science, of noble charity, those eximious men were gi-
 ving for whose glorious memory it would be little to raise some statues. Among them we may point
 out Peter Escobedo, Emmanuel Carpio, Ignatius Erazo, Emmanuel Andrade and others.

It is marvellous, indeed, to see how with so scanty elements, with so poor means of teaching, with

so many difficulties to impart instruction it was possible there were in Mexico constantly not only illustrated physicians, but also truly learned ones, able to perform with dignity the difficult labours of their profession and to front the tremendous responsibilities of medical practice.

And it must be taken into account that in that epoch of full decay of official instruction which in other countries would perhaps have suppressed all medical knowledge, one of the greatest epidemics that ever afflicted mankind came to desolate Mexican society after spreading fright and horror over all the civilised world: we refer to cholera, a disease then absolutely unknown in Mexico and which appeared for the first time among us in 1833. It is to be noted cholera never was graver, as well for the num-



Mexico.—Mining College. Main court

ber as for the gravity of the cases and the frightful rapidity of its course. Our eminent teacher Mr. Lucio would relate us cases of true fulmination were not rare in that epidemic people reaching the most frightful acme of the algid period in very few minutes and succumbing before it was possible to bring them the least succour.

And nevertheless, that terrible plague, unexpected and ignored, found Mexican society provided with a competent number of physicians who not only hastened to assist the victims of the epidemic, but contrived and put into practice the sanitary measures that epoch afforded to stop the spread of the evil and to hasten its end; who organised boards of succour and improvised asylums to assist the diseased.

This is a fact that honours Mexico in the highest degree and demonstrates unequivocally the capacity of the Mexicans for the cultivation of science. Ah, we, belonging to the present fortunate generation, we may not boast of having succeeded in spelling at least the great book of science. We have been

prodigally supplied with all kinds of elements: we have had examples to imitate, chairs to assist to, teachers to listen to, cabinets and laboratories to experiment in, hospitals to practise in. An enlightened administration aware of the importance of science is duly fostering it.

But such was not the luck of our illustrious fathers. They lived in a society torn by military factions, governed by administrations of one day; treasury, scanty and always exhausted, was scarcely able to supply at times poor endowments for the most urgent public services; and nevertheless, our fathers, without an official support, without elements of any kind beyond those improvised by their generous disinterestedness, contrived to maintain the torch of medical science always alight until they could transmit it in all its splendour to a generation that like ours has breathed in the sole quiet and prosperous epoch our luckless country has enjoyed in the agitated course of her history.

The profession of the Law was that which in the period we are writing about offered men of letters the most hopeful expectations. Apart from the immoderate eagerness to go to the law we have inherited from mother Spain, and which rendered the career of a lawyer a most lucrative one, the juriconsult was called to the first posts of the administration by the special nature of his studies: he was, after the fashion of the epoch, the one versed in the matters that now form sociology; science of administration, science of public wealth, science of legislation, the historical sciences, these were the vast dominion the lawstudents were called to cultivate.

The Church, not less than the Law, offered the most brilliant prospects to the persons who were to perform the functions corresponding to their studies. Being a most rich and privileged corporation, having an immense jurisdiction in social affairs and a great influence on political events so much so that it formed a militant party which several times was in office, it proffered its members preeminent posts in the social hierarchy.

Such was the distribution of the social functions among the learned in the period of scientific speciality. The care for material wealth was intrusted to the mining engineers; all things regarding corporal welfare were commended to the physicians; the questions of the political and administrative sphere were given in charge to the lawyers in addition to the juridical ones that formed the essence of their profession; the matters of the spiritual sphere, morals and in a large extent teaching were at the clergy's care.

In order to complete the picture we are drawing of this period we will delineate the prominent personalities who distinguished themselves in the professions we have enumerated. We should like to have space enough to speak of all, for there were many who honoured science during this important period of our country's intellectual life; but being unable to do so considering the natural limits of this work, we shall mention only the personalities that best characterise their speciality, incarnating it so to speak.

Let us make a preliminary remark: they who distinguished themselves in the political sciences, took, as was but natural, a more or less active part in public affairs being affiliated in some of the parties that disputed for office until the year 1867; parties that fought with eagerness committing excesses it is fortunately not our lot to refer or to judge. Treating here only of the scientific evolution, delineating the progressive improvement of science which is truth itself whenever we must mention a savant who was at the same time a political personage, we shall completely disregard this latter role of his and judge him only in his character as a man of science never allowing our judgment to be influenced in the least by a consideration of the side on which he militated. In other terms while tracing this part of our program we shall say with an illustrious latin author; that we write *sine ira et studio quorum causas procul habeo*.

The foregoing remark was of the most urgent opportunity, the first personality of which we must speak being that of Luke Alaman. It is very difficult indeed dispassionately to trace the scientific and intellectual physiognomy of a man who by the energy of his steel tempered character and by his deep-rooted convictions has exercised in Mexican politics a considerable influence we do not wish to epithet. Party spirit has wrapped Alaman's personality either in dismal shades or in a luminiferous mantle accor-

ding to the hostile or favourable stand point of the critic. Nearly half a century has passed since he was entombed and still his memory kindles ill-choked hatreds and rouses ill-sleeping sympathies; for the case is he succumbed amid the struggle, death surprising him while he was the counsellor of an administration wanting to govern the destinies of our country with an iron hand.

The mere fact of having excited at the same time ardent sympathies and mortal antipathies is a proof that his height was above the common level; having been a man of great knowledge and a historian of first rank it would be an impardonable omission not to speak of him under the vain pretext he influenced our destinies in a manner not above all discussion. Luckily we are not called to judge the political man but to show the man of science stripped of the reddened tunic he sometimes put on.

He was born in the historical town of Guanajuato; in the Colegio de la Purísima Concepcion of his native town he began to study mathematics having already adorned his mind with the deckings of the beautiful language of Horace and Cicero; he went over to the Mining College at Mexico, studying mineralogy under the direction of eminent Andrew del Rio, acquiring notable knowledge in physics and chemistry and running through a course of botany under the direction of Vincent Cervantes.

In 1814, being only twenty two years old he undertook his first voyage to Europe, visited Spain, passed to France where he had the opportunity to contemplate the strepitous fall of Napoleon and the entrance in Paris of the allied armies; then he left for Scotland whose

poetical mountains roused his admiration; after this he travelled in Italy, Switzerland and the borders of the Rhine; in Freiberg he improved and completed his mineralogical studies. Thereafter he stayed in Prussia and Hanover remaining some time at the Göttingen University to study Greek. Then he returned to Paris and at the College de France he improved his chemical knowledge while at the Botanical garden he completed his studies of Natural history. When he came back to his country he brought it as a fruit of his studies a procedure to separate gold by means of sulphuric acid.

About those days, it was in the year 1819, there had been in Spain a triumphant movement on behalf of the Constitution of 1812, begun by Riego at the village of Cabezas de San Juan. In consequence of that political change Cortes (Parliament) were convoked, Alaman being elected a deputy for the province of Guanajuato. With that character he went to Spain and in those Cortes, he promoted together with other American deputies, several measures aiming at the obtainment, by pacific means and with the acquiescence of the mother-country, of the independence of the Americas; it was he, indeed, who redacted the expositive part of the project agreed by the American deputies. As it was to be expected the Cortes disapproved the project and the grave question of American independence could not be resolved but by means of the arms.



Leopold Rio de la Loza

Independence was achieved at last and the American deputies at the Cortes found themselves in a most singular situation. Not being now Spanish subjects they could not be members of Parliament, they were foreigners judging things benevolently, while considering them as many deputies did, the Americans were rebel subjects. In so difficult circumstances Alaman was favoured by the estimation his capacity had won him; minister Yandiola ordered his daily allowances to be paid and wished to engage him to remain in Spain.

He did not assent but repaired to Paris pursuing the realisation of a very useful idea. During the Mexican independence war, the working of the mines had suffered a great deal, the mines having been inundated and abandoned; some millions were needed to unwater them in order to be able to continue the works; but those millions could not be raised amid a society exhausted and annihilated by so prolonged a war; it was necessary to have recourse to foreign capital. With this aim Alaman went to Paris where the baron of Humboldt introduced him to the duke of Montmorency and the duke of Polignac. But at Paris Alaman was unable to obtain the funds he needed to foster the mining industry in Mexico; the French nation, too, had passed through a long period of terrible wars. Then Alaman applied to London; there he was more fortunate and succeeded in forming a company whose capital came to sum six million dollars.

When back in his native country Alaman began the long, agitated and wearisome period of his political life. We will not follow him there; it would oblige us to tell the history of nearly thirty years of the modern period of Mexico; we will only mention the indefatigable activity he displayed in the administrative labours of his charge, in the remarkable informations he tendered as secretary of State and which revealed his high political capacity and his great instruction, his exertion to foster national industry creating a lending bank, a project much talked about at that time but whose profound aims cannot be disavowed nor its usefulness denied, his endeavour to regulate public finance and to implant in the new nation love of order and respect of the law.

More lasting were the tracks he left of his passage through the world in those periods, lucky for Mexican literature, when political events put his party down and the man of study and science withdrew from the noisy scene of public life and retired to his true post. A product of these labours was his *History of Mexico*, a work which it is but just to declare classical for the purity, conciseness, simplicity, elegance and severity of style. It is a pity the political passions following the author into his retreat influenced more than once the judgments formulated in this remarkable work. The dissertations that complete the work are of great interest and treat of important subjects regarding the conquest and the colonial period.

One of the personal accomplishments of Alaman that have been most extolled is the great laboriousness with which Nature had been pleased to endow him. The manuscript of his *History of Mexico* is all written with his own hand. His contemporaries remember that in his house, in St. Francis street, light could be seen in his cabinet of study up to late hours of the night.

Another statesman like Alaman, and like him a remarkable historian, was the distinguished Yucatec Sir Lawrence Zavala; his impetuous character led him to politics wherein he performed one of the most active parts. He was endowed with a vast intelligence and surpassing oratorical talents. As for scientific instruction and purity of style he shows himself inferior to Alaman, but he surpasses him in ardour and colouring. Like Alaman he travelled a good deal and resided long abroad; but unluckily for him and his country his political faults were more than errors and excesses of party spirit. The eminent Yucatec Justus Sierra expresses himself thus about Zavala's History:

«There (he speaks of the *Historical essay on the revolutions of New Spain*, published at Paris in 1832 in two volumes) any impartial critic will see, not the rough accumulation of unconnected facts nor the indigested erudition of certain historical schools so worrying for the reader; he will rather see a learned and judicious publicist developing important questions of public Law, an impartial historian referring the errors of all parties and throwing on himself the part that corresponds him as an actor in

certain scenes, a free philosopher proclaiming useful truths unknown as yet to all our governments, a clever economist discovering for us new sources of wealth and seeking the means to extirpate the malignant cancer that gnaws and destroys our public credit, a profound diplomatist, at last, indicating the means to steady our foreign relations, resolving several questions of international law. With such and so varied distinctions Sir Lawrence Zavala presents himself before his fellow-citizens, able to say of his *Essay* what the latin poet said of his verses: *Erecti monumentum ære perennius.*»

He who has formulated this judgment is one of the Mexicans who have most honoured their country and have more titles to figure among them who in the epoch we are speaking of cultivated more successfully a part of the vast dominion that constitutes the Sociology of to-day. Justus Sierra, distinguished



Mexico. — School of Medicine. Cabinet of Bacteriology

himself both as an excellent literate and as a first rate juriconsult. Judging from this last point of view there are reasons to proclaim him the founder of the Civil Codification of the whole Republic.

In 1859 the National Government, through Emmanuel Ruiz, then minister of Justice, intrusted Sierra with the formation of a project of Civil Code. The eminent Yucatec, in spite of feeling himself seriously ill, accepted the difficult task and in order not to be distracted from his work, submitted himself to voluntary 'reclusion' at the Meridan convent La Mejorada. In a few months the requested project was terminated, for he sent it the Government in January 1860. A little later that great scholar exhaled his last sigh overwhelmed by that extreme exertion. His death was a premature one, for when he died he was no more than forty six years old and literature and science were still expecting much of his select capacity.

Let us consecrate some lines to the profoundest, in our opinion, political writer Mexico ever had; with a penetrating analysis, rare sagacity and remarkable clearness of ideas the Mexican social question

was treated by him and his works had a very powerful influence on the ulterior political events. We mean the Doctor of Divinity Joseph Maria Lewis Mora. His capital work called «Mexico and its revolutions» was published at Paris in the year 1836 when its distinguished author was suffering in that town the bitterness of political ostracism. It is a great pity the manuscript of one of the volumes was lost; two years later he published, also at Paris, another work in two volumes called «Single works of J. M. Lewis Mora.»

In the transcendental political movement effectuated in Mexico between 1855 and 1861 Mora's works exercised, although in a very different sense, a similar influence as «The Social Contract» had exercised on the French revolution. In a very different sense we have said and effectively the Genevan's influence was due to incomparable magic of his style, for «The Social Contract» is in substance nothing more than a vast political sophistry whose capital idea does not even belong to Rousseau but to the English philosopher Hobbes who lived more than a century before; while in our countryman's work just the contrary happens; the substance is solid, proven and first rate, the style is good without being select, for Mora disdained all mere galas and embellishments.

This profound publicist was born at Chamacuero, in the State of Guanajuato; he studied philosophy and divinity at San Ildefonso College, Mexico, and in 1829 received the priestly orders and the degree of D. D. He consecrated himself to the professoriate, founded the «Political and Literary Weekly» and afterwards «The Spectator.» The administration of 1833, presided over by Valentine Gomez Farias, successor of Bustamante, had in Mora a stout defender who to sustain it founded «The Indicator» written with remarkable vehemence. The plan of studies was reformed in conformity to Mora's plan and he was nominated a member of the Direction general; but that government was ephemeral: Santa Anna took possession of the Presidency and suppressed the planted reforms. Then Mora left his native country never to return; constantly residing in foreign countries he died at Paris in 1850.

Such are the most prominent figures in the scientific sphere and in the section of moral and political sciences Mexico had during the period we are speaking of. We are now going to consider the important group of the exact sciences, the best defined and most solidly constituted, for, as the illustrious philosopher Auguste Comte teaches, at any moment of the intellectual development, Mathematics, because of the simplicity of its phenomena and the higher degree of abstraction of its conceptions, finds itself in a more advanced phase of elaboration than the other sciences that treat of more complicated phenomena and whose conceptions are less abstract.

It would fill a book if we were to speak of all who distinguished themselves in these sciences, either in their aspect as pure sciences or in their many useful applications; but not disposing of the necessary space we are obliged to choose as representatives of that group of sciences, two personages corresponding to each of the two great applications mathematics may find: one is its application to the art of war, the other its application to the arts of peace. We shall take as a type of the military engineers general Peter Garcia Conde and as a type of civil engineers we shall introduce the excellent mathematician and illustrious astronomer Francis Diaz Covarrubias. An other motive contributes to decide our choice; Garcia Conde illustrates, more by his activity and initiative than by his writings, the first half of this period, while Covarrubias shone in the second half, performing masterhood and writing scientific works of the greatest merit.

Peter Garcia Conde, son of the Major-general and military commander of the Interior Provinces, Alexis Garcia Conde, was born at Arizpe in 1806. At the Mining College in Mexico he studied Mathematics, Chemistry and Mineralogy, completing his general studies and acquiring the special ones at the Military College. His vast knowledge got him already in 1828 the graduation of a captain of engineers. In 1834 he ascended to lieutenant-colonel and he was named geometer of the boundary Commission; with that character he lent great services in the campaign against the barbarians and accomplished remarkable statistical labours.

At his return to Mexico in 1838 he was ascended a colonel and named Director of the Military Col-

lege which charge he filled during six years and the improvements he introduced in that brilliant nursery, as well in the material sphere as in its scheme of studies, form one of Garcia Conde's chief titles of glory. He established the courses of descriptive geometry, rational and applied mechanics, astronomy and geodesy, it being a noteworthy fact that these important courses had not until then been instituted in this country. Through the improvements introduced in its curriculum, management and discipline by the illustrious man we are speaking of, the Military College acquired so high a prestige that it was considered a great honour to be admitted therein and the pure patriotism they were inspiring there, doubtlessly contributed to the effect that in the infelicitous year 1847 the Military College was the last bulwark of the fatherland.

Garcia Conde ascended to general effective in 1840 and in 1845 he was appointed Secretary of War; he was preparing to reform the army and to organise the national defence in the war already imminent with the United States, when his exertions were sterilised by the antipatriotic movement of Paredes who by means of a pronunciamiento, really criminal under those circumstances, pulled the Government down.

Garcia Conde found, however, an opportunity personally to contribute to the defence of his country organising the scanty element offered by the town of Chihuahua where he then resided and going to meet the invaders at the rancho del Sacramento. Unluckily the scarcity of elements and the newness of the troops formed by Chihuahua volunteers, exposed them to a certain rout,

but, at least, the invader did not enter the town besprent with Hidalgo's blood without discharging a gun.

When peace was signed, a painful and cruentate peace, for by it we lost half our territory, general Garcia Conde was appointed Commissary for the demarkation of the dividing line fixed by the fatal treaty, a new and narrow frontier of the Republic.

What a pity the brief space we can dispose of will not allow us to relate the deserts of Garcia Conde in the performance of this commission. They form the finest page of his life. He suffered great annoyances, saved the national decorum and dammaged his private estate procuring funds to supply the necessities of the commission entirely abandoned by government; it is to his patriotism, his capacity, his energy we owe that in tracing the line more than one thousand square miles were saved for our Republic. However this patriotic exertion cost that illustrious man his life; while executing it he contracted a grave disease which obliged him to leave the glorious theatre of his work and to withdraw to the same humble town that saw his birth and where he died in 1851. We must not forget mentioning among the scientific labours of Garcia Conde the formation of the general map of the Republic done quite conscientiously and at the cost of a thousand troubles.



Auguste Comte

Most worthy to figure as a representative of the last half of the scientific phase we are delineating is the distinguished Mexican mathematician and astronomer Francis Diaz Covarrubias. He possessed to perfection the sciences he vowed his intelligence, enriching and amplifying them with methods and procedures of his invention and writing monumental works on them.

His native country is the State of Veracruz; he was born at Jalapa in 1833 being the eldest of six children among whom we count the notable juriconsult and statesman Joseph Diaz Covarrubias and the unlucky poet John Diaz Covarrubias known by the name of martyr poet, because he was shot at Tacubaya by an order of Miramon executed by Marquez. Among the sisters of Francis who were jewels and ornaments of Mexican society we may mention the distinguished lady who was Mr. Barreda's wife.



Joachim D. Casasús

Our savant made his studies at the famous Mining School obtaining prizes in the principal courses and before receiving the title of engineer topographer he was appointed substitute of professors by general Tornel, then director of the School. Thus Mr. Covarrubias was at the same time a pupil and a member of the Staff of Professors and even of the directing Committee of the School.

Having finished his brilliant studies he obtained his title in 1853 and in the following year he was appointed Professor of Topography, Geodesia and Astronomy substituting so distinguished professors as Teran and Salazar Harregui were. Soon after Covarrubias applied his vast knowledge to the execution of a first rate scientific work, the formation of the hydrographic Map of the valley of Mexico. For the first time in Mexico they put into practice,

for works of that kind, the most exact geodetic procedures; the basis on which the triangulation of the Valley was raised, was the first and is perhaps the only one that had been measured most carefully, Mr. Covarrubias having constructed several of the necessary apparatus.

So competent a judge as Mr. Orozco y Berra, when speaking of the memoir tendered by Mr. Covarrubias to the Ministry giving account of the measurement of the base for the triangulation of the Valley, says: «This really notable work which would form the reputation of a man, if the author had not yet won his own, has remained inedited; afraid to diminish its merit by extracting it we decide to insert it entire.» About the same epoch he determined the geographical situation of the town of Mexico with more exactness and precision than eminent Baron Humboldt had done, for Mr. Covarrubias carried the approximation to the hundredths of a second. The value of the geographical coordinates of our capital such as they were determined by Covarrubias adopting as meridian and parallel those passing through the observatory of the Mining School, is this: N. latitude $19^{\circ} 26' 12''.04$, W. longitude, referred to the meridian of Greenwich, in time $6^{\text{h}} 36^{\text{m}} 28^{\text{s}} 56$ and in arc $99^{\circ} 7' 8''.04$.

VOLUME FIRST

SCIENCES

Dr. Raphael Lucio.	Dr. Francis Ortega.
" Adrian Segura.	" Joseph-Maria Vertiz.
" Emmanuel Carpio	" Raphael Lavista.

Wm. H. Burleigh

Adrian Secor



The exact prevision of an eclipse contrary to the calendar statements, acquiring the proportions of a true public spectacle, many persons having assembled to contemplate the celestial phenomenon, evidenced Covarrubias' astronomical knowledge and greatly increased his fame. He was the founder of the astronomical Observatory at Chapultepec and its first director; he also founded the Humboldt Society. In 1867 he published his new astronomical methods; in 1870 his very remarkable *Treatise of Topography, Geodesia and Astronomy*, praised by very competent foreign authors; in 1873 his *Elements of transcendent Analysis* were printed, a didactic work very notable for the good order of exposition obtaining therein, for its clearness in spite of the profundity of the conceptions and for the adoption by the author of Mr. Barreda's capital ideas on the foundations of calculus. The book is full of happy novelties and is sufficient by itself to credit an author as a first rate savant.

In 1874 Mr. Covarrubias was appointed president over a most important scientific Commission wherein he was to demonstrate before the learned world that the Mexicans cultivate science with perfection. He went to Japan to observe the passage of Venus over the disk of the Sun; during his voyage he had the opportunity to deal with very distinguished savants and to be the object from their part and that of many scientific corporations, of the most deserved considerations. In a remarkable book published in 1876 Mr. Covarrubias gave the scientific public an account of the result of his commission. In 1882 he published at Paris an interesting opuscle, written in French, regarding the influence of solar heat on the form of Earth. In that capital where he had been residing some years, this truly illustrious savant saw the end of his days coming on.

When speaking of Mr. Covarrubias it is impossible to forget mentioning his eminent friend, as learned or himself and who would have attained the same renown but for his extraordinary modesty greatly enhancing his high desert. We are speaking of engineer Emmanuel Fernandez Leal. Likewise a son of Jalapa and a distinguished pupil of the Mining School, member of the boundary Commission at an epoch of mourning for our country, professor of the second course of Mathematics, at the side of Covarrubias, in the National Preparatory School, professor at the Mining School, of the highest probity and a good patriot without boasting, as this plain and eminent citizen never boasts of anything, he deserves by a thousand titles the esteem and respect of his contemporaries and his name is worthy to pass to posterity.

When the French invader, breaking the treaties, sullying his own signature, took the way towards the town of Mexico, a year after having been repelled before the walls of Puebla and when he could not possess himself of that town ere he had considerably increased his forces and even then only after a stubborn and terrible siege more glorious for the vanquished than for the vanquishers, the two eminent



Emmanuel Carmona y Valle

savants, Covarrubias and Fernandez Leal, set a notable example of abnegation and patriotism, deserting their houses and following the head of the Nation and depositary of the National honour, in his painful peregrination to the North.

Nothing obliged them to do so, they were no party men, they were no politicians, they were most honest private persons, essentially neutral and pacific savants, strangers therefore to the contentions of men, because their minds dwell in those lofty regions up to which the fetid emanations of hatred or of vile interest never reach. Without detriment for their good name they could, therefore, have remained in the capital.

But they did not deem so; they chose to sacrifice their penates to public lares, to follow the pursued, fugitive, harassed national banner, to place at the service of the great cause of the fatherland their spotless name and their great scientific capacity. So they arrived at Tula of Tamaulipas and really emotional is the record of the troubles they passed and the means they contrived to gain a livelihood. They set up photographer's shops, they measured lands for private persons; when Mr. Fernandez Leal returned to Mexico, he even put up with establishing a private school for which his fame as a virtuous and learned man was the most flattering program.

To-day Mr. Fernandez Leal (1) is one of the collaborators of the eminent ruler whom Mexico owes the prosperity she enjoys and occupies one of the most exalted posts the citizen of a republic can aspire to reach. But Mr. Fernandez, in his elevated dignity, continues being the savant of plain, good and clean mind, the friendly and affable gentleman who considers his position but as an opportunity to serve his country and to give impulse to good causes, above all that of science which is for him the first and chief thing. While at the head of the Ministry of Encouragement he did the national science more service than writing dozens of books; he is a resolute Mæcenas of young savants which is a benefit for science that finds in him a certain stay; in the printing shop of Encouragement many a book that without this resource would never come to public light; some are new books, others are reproductions of rare books of merit belonging to the national scientific literature.

The group of physico-chemical sciences has in this period a worthy representative in one of the most remarkable savants who was beloved, esteemed and admired by all who knew him and who having been a teacher during nearly forty years at all the colleges in the capital, had the opportunity to instruct in Lavoisier's science many series of young men several of whom grew to be first rate savants, so that he deserves the supreme attribute: teacher of teachers.

We mean the great Mexican chemist Leopold Rio de la Loza. He was born at the town of Mexico in 1807, studied at San Ildefonso College and in 1827 received the title of a surgeon. Not finding the practice of that craft pleasant he set to study pharmacy and afterwards medicine, being graduated in 1833. In that year he served mankind doing the cholera stricken the most varied services multiplying himself thereto, so to say, penetrating into the huts of the poor as well as in the sumptuous dwellings of the rich and doing service in the hospital that had been formed at San Lucas.

At that epoch he already distinguished himself by his fondness for teaching and his liking for chemistry and natural science wherein he had acquired such an amount of knowledge that he was the marvel of his epoch. He began by giving lessons in his own house; there a crowd of young people thronged craving for positive knowledge that nobody then possessed like Rio de la Loza. As early as 1838 he began to publish remarkable articles about mineral and drinking waters, on different medicines, on the lake of Texcoco and on a multitude of matters interesting medicine and public hygiene.

In 1847, epoch of mourning for our country he suspended his labours as a savant to arm himself as a soldier and defend his invaded and down trodden fatherland. He incorporated in the battalion of Hi-

(1) At the moment these lines are printing Mr. Fernandez Leal, obliged by ill health, has resigned his high office.

dalgo and took part in the battles of the valley of Mexico where the Mexican blood nobly shed was the liveliest protest against the execrable invasion.

Leopold Rio de la Loza deceased in 1874 having consecrated his brilliant qualities to science and teaching. May I be allowed to evoke a personal record.

Twenty seven years ago the present writer was a pupil at the National Preparatory School and assisted at the Chemistry class. The professor was an old man of dry complexion, high stature, bent neck, curved shoulders, who arrived wrapped in a long Spanish cloak. He was received with a respectful silence, took the chair, performed the roll-call and began to speak. Oh prodigy! out of that frail, old and curved body there came a clear, plain, luminous, easy speech captivating the attention of more than a hundred youths, restless, noisy and brisk; that voice enunciated Dalton's law, that voice spoke of the affinities of the bodies, of Nature's inflexible laws and without superfluous galas and rhetorical artifices and only by the gravity and importance of the subject matter, in harmony with the severity of the oldened face where still radiant eyes were glittering, impressed on his discourse the most vivid interest. His preparer was one of his sons, slender, dry, tall as his father and near growing old, who executed the manipulations and effectuated the reactions that seemed to obey the professor's magic voice as though it spurred inert matter infusing it the energetic palpitations of life. From time to time a tenacious and prolonged attack of cough would cruelly shake the venerable old man, interrupting his imposing lesson. The pupils kept a respectful silence; in their juvenile countenances a feeling of protest was to be seen against pitiless Nature that



Edward Licéaga

blights and withers its best creations. The gripe of the disease passed away, the savant recovered his olympic serenity and from his lips just wiped and still violaceous, words of science spouted once more vibrating, winged and superior to illness and death. That professor was Leopold Rio de la Loza.

The natural sciences were represented at that epoch by a numerous group of distinguished professors among whom we may mention Cervantes, Bustamante, Laurus Jimenez, Joseph Barragan, Gumersindus Mendoza who was also a distinguished chemist. Several of the savants who have cultivated so interesting sciences are still living consecrated to their favourite studies; we may mention among their number Alphonsus Herrera, Emmanuel Urbina and Dr. Jesus Sanchez.

Although he lived at the very beginning of this period, the illustrious naturalist Joseph Mociño deserves some lines and even is worthy to represent that group. Although many people consider him a Spaniard we may reckon him among our countrymen it having been ascertained he was born at Temascaltepec; he studied at the Tridentine Seminary, at Mexico, and was a pupil of Cervantes' at the Botanic Garden in 1789.

Mr. Mociño accompanied Sessé in his remarkable expedition undertaken by order of Charles IV in 1795 to examine the natural products of the territory of New Spain. This memorable excursion lasted eight years; Sessé and Mociño travelled over an extent of more than three thousand leagues and the precious fruit of their survey was a «Mexican Flora» with its corresponding herbarium which came to be laid up at the Botanic Garden in Madrid. The eminent naturalist De Candolle who made Mociño's acquaintance at Montpellier whither the political vicissitudes had driven him in 1815, admired the «Mexican Flora» so much that when Mociño in 1817 returned to Spain and claimed the manuscripts and drawings which De Candolle kept in his guard the Swiss savant was unwilling to give them back without taking a copy and in that task he was aided by many Genevan drawers and several dilettanti, among them some ladies. To such a degree the works of our countryman were estimated and considered to be a true scientific jewel.

The «Mexican Flora» is conserved as a manuscript at the Madrid Botanic Garden and consists of three volumes in folio. Nobody can tell what has become of the copy kept by Mociño; the one taken by De Candolle and in whose execution Flourens states more than a hundred ladies took part, has been published in several volumes by the eminent botanist.

We have said that the medical profession in spite of the lack of official protection, for up to 1854 the School of Medicine was not established definitively on the place it now occupies, always counted eminent physicians, such as Ignatius Erazo, Emmanuel Andrade, Isidor Olvera, Joseph M.^a Vertiz, Peter Escobedo, Emmanuel Carpio, J. M. Barceló y Villagran, Raphael Lucio, Lewis Muñoz, Francis Ortega and many others whose mere enumeration would be long. Not being able to speak even of the chief and most distinguished physicians that in Mexico honoured so noble a profession, for our allotted space is being exhausted, we shall limit ourselves to introduce as a representative of all, the incomparable clinician Michael Jimenez.

He was born at Amozoc, in the State of Puebla, amid a humble family; in 1834, having made with brilliancy the previous studies, he began those of Medicine obtaining the title of physician in 1838. In the same year he entered Professorship filling the Anatomy chair; since 1845 he held that of internal Clinic wherein he gained unwitherable laurels. Here we yield the place of reviewer to our excellent teacher Dr. Gabinus Barreda who expresses himself as follows about the desertings of Jimenez:

«The writings wherewith he enriched science were manifold, all of them marked with the seal of the philosophy he abstracted from the study of the facts and from the observation sciences, all of an essentially practical and positive character, without a mixture of dogmatism or routine.

»A particular and scrupulous study on the exanthematic fever of Mexico for which he conserved the vulgar name of *tabardillo*, was the result of a great number of observations he began to gather and to analyse ever since he entered as director of a ward of the hospital of St. John of God and which he continued in his clinical class. The «Notes for the history of petechial fever or *tabardillo* obtaining in Mexico» will always be a model of perfect scientific sincerity and of the method of pure observation. It is since then (1846) we may date in Mexico the knowledge of that terrible plague in all its particulars and consequences, as also the analogies and differences it has with typhoid fever, described by Louis in France.

»The affections of the liver and quite especially the abscesses, so frequent in this country, were the predilect object of his studies; in their diagnosis and prognosis he acquired an admirable expertness; he was the first who demonstrated by well observed facts, that a termination of the hepatic abscesses which the Europeans, doubtlessly *a priori*, had declared was the most perilous, notwithstanding was much less so than others: the communication of the purulent focus with the bronchiæ through the peritoneum, the diaphragm, the pleura, and the pulmonary tissue itself, is, indeed, a complex of lesions that at first sight ought to make us suppose a fatal termination: experience, however, proved the contrary to be true.

»Jimenez, starting from that fact, resolved with a sagacity and a force of reasoning and induction

VOL. I.—PART EIGHT

SCIENCES

Michael Jiménez, M. D.



that will never be surpassed, the great problem of the time and the form when and how the abscesses of the liver must be opened; a problem which by its importance had vainly exercised during a long time the penetration of the physicians of every part of the world. The numerous successes every day obtained by this method and the victims incessantly snatched by him out of the clutches of death form a brilliant aureola around his invention that was not a happy finding as any passer by might have chanced to make but the product and creation of genius contriving to seek and find the true conditions of an immensely complicated problem and to satisfy them in as complete as unexpected a manner.

»I am not going to analyse all the scientific works of the professor whose loss we are lamenting; they are to be found on nearly every page of the *Gaceta* and other medical papers proceeding either from his own pen or from that of his pupils: all of them emanated more or less directly from his clinical teaching that always was an inexhaustible vein of sound and practical ideas. It was he who vulgarised in Mexico and even improved auscultation and percussion for the exploration of the diseased and in general all the physical means of investigation. By the use of those means in which he acquired a proverbial dexterity the diagnosis of the diseases of the pleura and the respiratory organs reached in him a mathematical precision and it may well be said the walls of the thorax were transparent for him.

»In the treatment of intestinal embolism Jimenez, with his habitual perspicacity, had become aware of the doleful influence exercised by pain, although apparently a mere consequence of the main complaint, on the course of the same through the tumultuous contractions it provokes by reflex action in stead of the gradual and successive peristaltic motions that were to be wished. Consistent with this analysis of pathological dynamics he established as a first indication in the treatment of ileus the prolonged applications of the heroic anæsthetic of the century thus breaking the wasted rails of routine dogmatism and demonstrating by his brilliant successes that the pretended wisdom of Nature is sheer fancy and when it sometimes seems to be accordant with facts, at other times it is in plain opposition with them; and that in medicine, as in the other arts, the spontaneous conditions of the facts are sometimes favourable and sometimes adverse to our wishes whence we may rationally deduce the precept to second the former and to combat the latter; but this does not in any way authorise the child-like and ingenuous supposition of a providential solicitude or an intentional hostility of Nature.

»All the academies, all the scientific corporations of the capital and the whole Republic were eager to have the honour to reckon him among their members and so did several foreign societies, and all of them derived a copious and solid fruit of that acquisition.

VOL. I. — 115.



Michael Otero

With his brilliant intellectual qualities Jimenez combined a perfect pureness of intentions, an ardent longing for progress in medicine and for the happiness of his country which he loved deliriously, extravagantly; an unshakeable energy of character, a moral vigour up to any proof, whereof he gave inconcussible tests during his last and terrible disease; a never belied affection for his family and for his friends, conserving inalterable many connections of his childhood; a sincere and unostentatious charitableness; a complex, indeed, of all the moral qualities that can ennoble and render fecund a colossal intelligence... Ask for more grounds of immortality and you will rightly be decried as unjust and as blind.»

That eminent teacher deceased on April 2nd 1876.

II

SECOND EPOCH OF THE MODERN PERIOD OF MEXICAN SCIENCE OR EPOCH OF GENERAL SCIENTIFIC CULTURE

The era of speciality was very beneficial for the scientific development setting an end to vague speculations in which people tried to form, without any experimental base, premature and ill elaborated systems intended to comprise the totality of all things cognoscible. In order to form a good and lasting synthesis it was necessary previously to analyse and carefully cultivate every element of knowledge sundered from the remainder by a good analysis.

But the era of speciality was only to be transitorious, its mission being reduced to prepare, the solid, lasting and definitive generalisations; the materials being once cut, the edifice must be built up; the analytical labour once terminated, the synthetical one must begin without an hiatus or solution of continuity. Nothing could have been more hurtful to scientific advance than the perpetuation of the speciality phase; science would lose all philosophical spirit, it would lack all idea of totality and instead of attaining the definitive organisation of human knowledge it would only obtain its sterile and lamentable dispersion.

Goethe, that incomparable poet, that august and serene mind that both penetrated the arcana of science and gave the most delicate lineaments of art relief, life and vigour, had been lamenting as early as the first years of the century, the fatal bent of the contemporary scientists on an exaggerated specialism. From the august lips of the Weimar Jupiter the winged and vibrating phrase had sprung wherein he said the savants of his epoch remaining absorbed in the contemplation of a tree renounced to admire the majesty of the forest.

A man of the greatest scientific merit and endowed with the most eminent philosophic accomplishments, fittingly joining the spirit of generalisation with that of specialisation, contrived to effectuate with the happiest result the synthesis of actual knowledge constructing a vast system of philosophy which he denominated positive because he had formed it with real elements and not with fanciful ones, because he had composed it with affirmative propositions and not with negative or merely critical ones.

Auguste Comte was that great philosopher. He conciliated science and philosophy communicating the former the spirit of generalisation and the amplex of views which like powerful wings give the latter flight and founding philosophy on the firm ground of real and effective truths patiently tested by science.

A most distinguished Mexican, an eminent teacher, a first class physician, an excellent naturalist, a mathematician of so great a sagacity that he contrived to assign infinitesimal calculus its true foundations overseen by Newton and Leibniz, colossal geniuses and inventors of that powerful scientific instrument, Gabinus Barreda, in one word, listened at Paris to the lessons of Comte and after studying his

works and meditating over them he impressed on Mexican science the same character that Comte beyond the seas had impressed on European science.

The scientific reform found its expression in the creation of the National Preparatory School whose founder and first director Gabinus Barreda was. Science in general was considered as a preeminently educative means for human reason; and each science in particular, instead of being detached and isolated from the others formed with them a vast scale that, beginning with the phenomena of extent and number, ended with the social phenomena having passed through the physical, chemical and biological phenomena. The key of this scale allowing to pass from the lower degrees to the upper ones, was decreasing generality and increasing complication.

The pupil going through the scale in its whole length, gathered as instructive fruit the knowledge of all we positively know about ourselves and about what surrounds us; and as educational fruit the intellectual improvement deriving from a gradual and methodical exercise of the logical faculties of mind which gradually have dilucidated questions of increasing complicacy, in the same manner as science did, feeling, struggling and overcoming the difficulties of investigation and reaching the most successful end having resolved the most varied and gravest problems. This system of education left in the mind as an indelible track this conviction: Nature is ruled by invariable laws and the only means to get the different phenomena modified according to our wishes is to know the laws that rule them

and to act after the dictates of that knowledge. All this may be condensed into the lemma truly fundamental and the soul of all theory and all practice: to know in order to foresee, to foresee in order to act.

The mental discipline afforded by such a system of education is inestimable. The marvels already realised by science are promises and guarantees of future marvels that will improve more and more the conditions of mankind; the patient study of the phenomena and constant investigation of their laws will be in times to come as they have been in times gone by, the only means to realise such marvels. Thus human activity is continuously stimulated and adequately directed by the influence of these two great truths infusing patience, advising resignation, encouraging hope, rousing attention, fostering activity and in this manner the best qualities of human mind are improved and cultivated.

During ten years the founder of the Preparatory attended personally the development of his beneficial



Marianus Bárcena

reform and in that period the men were formed and educated under his influence who, disseminated throughout the Republic and occupying in the administrative scale and in the social sphere from the most elevated down to the most modest posts, are now presiding over the scientific movement of our country and represent the era of contemporary science.

We cannot possibly speak of all; we must limit us to name some of them, at haphazard, so to say, only to present some living witnesses of our words. Social sciences are worthily represented by Mr. Licentiate Joseph Ives Limantour, an eminent financier and statesman; by the Licentiates Paul and Michael Macedo, distinguished criminalists and first rate statesmen; by the Licentiates Joachim D. Casasús and Joseph M. Gamboa, the former a remarkable economist and the latter a profound jurisprudent; by Licentiate Justus Sierra, the first of our historians and the greatest of our poets; by Licentiate Ezekiel Chavez conspicuous for his vast learning and by many others whom we omit only for brevity's sake, but whose names are doubtlessly before the mind of all our readers.

Not all we have cited were bred at the Preparatory but all adopt the philosophical criterion whose emblem was the foundation of that nursery. The same remark may be made regarding several of our contemporaries notable for their science and whom we shall mention afterwards; sundry of them had been bred before Mr. Barrera professed his doctrines and so they did not receive them directly from him or have not admitted of them beyond what regards the science they cultivate.

The medical sciences are represented at present by the most renowned physicians Emmanuel Carmona y Valle, Edward Licéaga and Raphael Lavista (1) under whose influence the pupils of the Preparatory made their professional education nursed in the new philosophical ideas and among whom we may deservedly mention as very conspicuous medical men the doctors Joseph Ramos, an eminent oculist and distinguished mathematician; Joachim Vertiz, very remarkable professor; Joseph Terrés, clever clinician; Reginald Gonzalez, Raymond Macías, Angel Gabiño and Ferdinand Lopez, practitioners of a just renown: among them who practise outside the capital of the Republic it is but just to mention Peter Noriega of Monterrey and Michael Otero, of San Luis Potosí. At the capital and out of it there are still others we do not name afraid to be prolix.

Physical, chemical and natural sciences are represented by the clever chemist Andrew Almaraz, by the remarkable naturalists Roman and Joseph Ramirez, sons of the national glory that was called «el Nigromante» (the necromancer) and up to very little time ago by Marianus Bircena prematurely snatched from national science.

Among those who cultivate the exact sciences we will cite eminent Professor Edward Prado, the engineers Gilbert Crespo y Martinez, Augustin Chavez, Andrew Aldasoro, Jerome Lopez de Llergo, Camillus Gonzalez, Valentine Gama, Augustin Aragon, Adolphus Diaz, Charles Sellerier, Albert Best, Licentiate Charles Tamborrel and others whose enumeration would be long.

Among the contemporary mathematicians, although he constitutes a separate personality and did not receive his instruction at the same fountain as the others, Mr. Joseph Joachim Terrazas deserves to be mentioned for the originality and profundity of his conceptions and the high merit of his works. The note of conspicuous mathematicians is deserved also by the engineers Emmanuel M. Contreras, Leander Fernandez and Emmanuel Ramirez.

Such is the present state of Mexican science and those are the most conspicuous personalities representing the same. To finish the picture we have drawn let us say a few words about the means of encouragement and stimulation science finds in our country.

(1) This eminent surgeon's decease happened before these lines were printed.

VOL. I.—PART EIGHT

SCIENCES

Gabinus Barreda, M. D.

PLATE I.—PART EIGHT

PLATE I.—PART EIGHT





Mexico.—High board of health. Chemical analysis room

CHAPTER VI

STIMULATION OF SCIENTIFIC ADVANCE

ELEMENTS OF SCIENTIFIC WORK. PROTECTION FROM STATE AND PRIVATE PERSONS.
MEXICO'S CONTRIBUTION TO SCIENTIFIC PROGRESS. ACADEMIES. INSTITUTES. SCIENTIFIC COMPETITIONS

WE must begin stating two circumstances, one a painful one and the other a pleasant and satisfactory one; the former is that stimuli for scientific work are deficient in Mexico and the second is that in spite of this deficiency our scientific level has been kept at a convenient height so that in the main branches of science we have always had among us some persons, and in many branches not a few, who were notabilities and able to compete with the scientists of Europe.

This deficiency of stimulative means has been mainly dependent on the continuous agitation and lack of peace that up to somewhat more than twenty years ago had hindered the elements of wealth of the country to be conveniently worked and has prevented private persons and the State to encourage science. This, satisfying the highest social necessities, is expensive as anything of value; it requires large collections of books, plenty of instruments and apparatus and valuable equipments fitted for the different classes of investigation.

It is satisfactory for us to state that in the relatively short time Mexico has been enjoying the advantages of peace these different elements of scientific work have been cared for and are going to be so more and more. In the library line, besides the National library, amply and conveniently settled, com-

posed of a great number of volumes, including a great deal of our production during the colonial period and so adequately directed by the illustrious Licentiate Joseph M. Vigil, each one of the chief teaching establishments possesses a library of its speciality; several scientific societies like the «Alzate Society» have their own library.

Besides the capital of the Republic most of the capitals of the States have public libraries adequately served and provided with a sufficient number of books; among them we may mention the libraries of Toluca, Veracruz, Puebla and Guadalajara. We cannot forbear to state that in these very days, by the initiative of the learned Mexican Mr. del Paso y Troncoso, actively seconded by the enlightened Minister of Justice and Public Instruction, Licentiate Joachim Baranda, the National Bibliographical Institute was inaugurated, thus satisfying an actual necessity of the scientific movement.

Instruments and apparatus are gathered in cabinets and laboratories in the principal establishments of public instruction. In the Preparatory School the Physical Cabinet, the chemical Laboratory and the Natural History Hall are very remarkable. The Military College also possesses very good Cabinets; in the Mining School quite a special mention is deserved by the Mineralogical Cabinet.

Among the special Institutions we may cite the Astronomical and Meteorological observatories. The meteorological service of the Federal Telegraph Direction is very noteworthy for its special organisation and the great services it can do national science. We must mention also the Bacteriological Cabinet of the Medical School and the expensive instruments recently ordered from Europe to set up a cabinet for medical physics. An honorable note is likewise deserved by the good arrangements of the Superior Board of Health, due to the wise initiative and laborious survey of our illustrious physician Edward Licéaga.

During the colonial period and in our life as an independent nation up to the Reform war the teaching establishments had their own funds. In that epoch it was a common thing for private persons to encourage science by making large donations to colleges or by bequeathing them considerable legacies. Since the estates of public instruction disappeared and the teaching establishments are sustained by the sums afforded according to the fiscal budget, by the Public Treasury, private persons have ceased to contribute, by that generous way, to the encouragement of science. Perhaps such a beneficial cooperation has ceased because the private persons not seeing their way to make donations for that aim, abstain from doing so. Our legislation ought to be reformed to the purpose of permitting the existence of special funds for public instruction.

Notwithstanding the generosity and disinterestedness of our character is so great that still in recent times there have been magnanimous persons leaving more or less plenteous legacies on behalf of science.

Dr. Parada, of San Luis Potosí, twenty years ago, bequeathed the sum of ten thousand dollars as a prize for a medical work by a Mexican author; Dr. Augustin Andrade who died more than ten years ago, left surgical instruments of more than two thousand dollars of value to reward the author of a meritorious Memoir on diabetes.

The scientific corporations stimulate the laboriousness of their members rewarding with prizes the works of merit brought about by them or by individuals not belonging to them, in proportion to the small resources those Societies can dispose of. The Academy of Medicine annually distributes a prize of five hundred dollars and another of three hundred to the author or authors of the best Memoir written on a scientific subject fixed with sufficient anticipation; it is not necessary to be a member of the Academy in order to be able to pretend the prize; besides, forty dollars are bestowed on the members who present some work by turn. The society «Pedro Escobedo» has also granted prizes for several scientific labours.

The State, especially in the present epoch, encourages science in various fashions either permanently satisfying all the expenses needed by public instruction and destinating respectable sums of the budget for the keeping and increasing of libraries or bying scientific apparatus and tools and this is done as well by the general Government as by the State governments, these on a lesser scale their resources being smaller. Government will also favour the scientific discoveries of private persons either allotting divers quantities to discoverers for experiments or sending them to Europe to get them known.

We hope the enlightenment of the present Government and the ever increasing resources it can rely on will induce it to organise in a more systematical manner the protection every government owes scientific advance. Three or four annual prizes might be established, of ten thousand dollars each for him who would write scientific works subjected to certain conditions or for him who would make some discovery.

One of the principal proofs that our science lacks sufficient stimulus is the fact that Mexicans must necessarily renounce authorship which in Europe is highly lucrative stimulating there in a powerful manner scientific movement.

This disadvantage is commonly ascribed to the ignorance of the public that feels no necessity to be offered a convenient provision of scientific literature. Such an assertion implies an injustice offensive for Mexican culture; luckily it is erroneous. It is evident the mass of the public, here as well as in Europe, cares little for science and does not read scientific works. Among ourselves, as everywhere, they who seek such works are a chosen and select minority; but this minority is composed, in Mexico, of a large number of persons who pay for a book the price asked for the same. Inform with the booksellers whether the public of Mexico is ignorant and not fond of scientific works; there are their cash books that will prove the plenty of scientific works consumed in Mexico and the high prices paid for them.

No, the causes that reduce almost to zero our scientific production lie in quite another sphere. Omitting the merely secondary ones we shall only state two we consider as main causes: the first is the circumstance that although the scientific material represented by books, instruments and apparatus is a considerable one and honours our culture, it is scarcely sufficient for the transmission of scientific knowledge, that is to say, for teaching and is still very little for production, for bringing about discoveries or inventions.

The second cause consists in the high price of paper whence it results that the books printed here cannot compete on the market with them that come from Europe, and this kills scientific production in its origin. This elevated price of the paper, the raw material of the book, is due to a tariff question which has been amply discussed in Mexico both in the Press and the in Parliament. We beg to state we are of opinion in this matter that the diminution of the duties foreign paper is submitted to would act in a beneficial manner lowering the price and thus stimulating the typographer's art, formerly flourishing and now decadent in Mexico.

We must own the present Government has favoured scientific production printing at its expenses the



Leander Fernandez

works of Mexican authors. So it has been possible to conserve the noteworthy historical labours of Orozco y Berra and some other works of deserts; but we cannot but repeat Mexico has arrived at such a degree of culture and its Government has attained so great a prosperity that it is now time to organise the protection of sciences on a broad, steady and solid base in order that, leaving the humble role of receptors and propagators of European science, we may also aspire to acting the part of scientific producers.

Mexico contributes in no despicable manner to the advance of science. It would be enough for her



Mexico. — Academy of Medicine. Session room

to study her vast territory, her numerous vegetal, animal and mineral products having so high a price in commerce and industry to furnish universal science a worthy contingent supplying it with precious and original data.

Noting down, observing and registering the meteorological and climatological phenomena taking place in the vast extent of the Republic, as already a fruitful beginning has been made, Mexico contributes to the establishment and testing of laws assuring the life of the navigator and facilitating traffic by the maritime ways. Studying the aspect of her soil, the mountainous reliefs, the hydrographic basins, the geological constitution of the territory, she contributes to allowing geographers and geologists to complete their important studies.

By sending her distinguished sons to the international Congresses, so frequently held in Europe, Mexico helps the scientific corporations to dilucidate the matters of general interest they purpose to resolve. So, in the sole year 1897 Mexico sent her personal contingent to two scientific international Con-

VOL. I. — PART EIGHTH

SCIENCES

Mexico. — National preparatory school
Physical cabinet



gresses held in Russia; to that of Geology two noteworthy engineers concurred, to that of Medicine twenty professors distinguished in different branches of their Faculty.

Just the medical sciences offer important elements wherewith Mexico may contribute to the common labour of improving human condition undertaken by science converted into a visible Providence. In our country there exist, unluckily abounding, cases of very remarkable diseases interesting universal medicine in the highest degree: the *pinto* evil (ringworm) (1), for instance, that, now from the clinical, now from the histological or bacteriological standpoint, has given rise to notable writings of Mexican authors; St. Lazarus' evil (leprosy), so admirably described by Drs. Lucio and Alvarado that the learned Dr. Maximilian Galan, disciple of the Paris Medical School and then new-settled in this country, read the learned monograph with so deep an admiration that he proposed to call the disease «Lucio and Alvarado's evil» and he never called it otherwise thereafter. The learned Cuban was right; the learned authors of the monograph described the maculate form not known by European physicians. The papers of Michael Jimenez and Linus Ramirez on liver abscess were an advance beyond the medicine of their epoch and yellow fever whose prophylaxis and healing are of so great an interest for mankind, has been a motive for many learned Mexicans, among whom Drs. Ignatius Alvarado and Emmanuel Carmona y Valle occupy the foremost place, to write very noteworthy papers.



Joseph Mana Vigil

Among the scientific Academies we may cite the National one of Medicine that counts thirty four years of never interrupted working and has published quite so many volumes of its periodical called the *Gaceta Médica*. This Academy is composed of forty fellows and an indefinite number of national and foreign correspondent members. The Academy of Physical and Natural Sciences and that of Jurisprudence and Legislation are of recent foundation and have the character of Correspondents of the Spanish Academies of the same name. We may mention, moreover, the Geographical and Statistical Society, Peter Escobedo Medical Society, Mexican Pharmaceutical Society, the Lawyers' College, Society of Natural History, the Society of Engineers and Architects and the Antony Alzate Society.

As a pattern of a well organised Institute where remarkable scientific work is done, we may mention the National Medical Institute whose aim is the study of the indigenous plants from a botanical, chemical, pharmacological and therapeutic point of view. It is divided into the corresponding sections and its

(1) This disease is also often designated by the name of *painted ringworm of America*.

labours are thoroughly experimental. The Anatomico-Pathological Museum of St. Andrew's Hospital, conveniently set up, liberally subventioned by Government, is called to give a great impulse to national medicine in its most difficult branches. According to informations we consider trustworthy, a Bacteriological Institute will soon widen and complete that remarkable scientific establishment.

The backwardness of the typographic art in Mexico is the cause that the number of scientific Reviews is very scanty and out of proportion to the actual intellectual movement. The cheapness, good printing and rich material of the foreign Reviews with which it would be folly to attempt competition, condemns as yet this important branch of scientific literature to an irremediable decadency. Excepting the chief Societies that have already a well irradiated scientific publication, the Reviews that appear every now and then, are transient and endowed with little vitality.

The scientific Corporations existing in Mexico have the purpose to hold periodical Concourses, three of which have been held already, the first and the third have been noteworthy for the number and importance of the papers read.

We have achieved our labour not with discouragement and fatigue but with courage and confidence. We have traced a brief outline of the complex of our scientific movement and when the results we have been able to consign are not so many as we might have wished, we claim at least the satisfaction to affirm that science is worthily cultivated in Mexico where the lofty problems that constitute the progress of mankind are set, studied and dilucidated. The torch of knowledge we have received transmitted from the generation gone by keeps shining and the coming generations will increase its gloss. So we hope because we are still believing in the lofty destinies reserved for our country.

Porphyrus Parra.



INTRODUCTION

I

EDUCATION, in the widest sense of the word, is the improvement of the creatures by the surrounding conditions; although most numerous and various, they may be reduced to only three.

Before all there is the *physical medium*: nature and level of the ground, its products, temperature, winds, moisture, shaping the inhabitants and determining the birth of their forms of culture. The organisms, although they are transferred to another place, conserve in part the qualities they have acquired and modify them only by a diverse ambient nature if the action of the same is lasting. However, man loosens the yoke of the physical medium through civilisation breaking down mountains, drying up marshes, in one word, modifying the natural conditions.

The educating action of the physical medium has been little studied as yet and therefore we can only trace an outline of the same.

The second factor of education, *the social medium*, produces more effects, apparent in progress: it consists in «that man sharpens man as iron sharpens iron;» it implies all from the mere *sensation of presence* between unacquainted people that neither see nor speak to one another up to the waves of thought one society sends another by means of the print.

The effect of a physical and social medium on a human group continued through centuries is *race* which reacts on its factors as a third educating product.

II

As for Mexico, it must be noted that the present ethnic groupings come from distinct regions and began their marches at different hours: one element, the indigenous one, must be studied first; it was profoundly modified through the good and bad qualities it received from the Iberian group that in divers attitudes, brandishing the sword, erecting the cross, treasuring up the fruit of work or showing off in noisy and bloody feasts mingled with the aborigines to form a new demographic group, the mixed breed, now dominant; but others, more and more varied and stronger than their predecessors, are meeting in the country, transform its social medium and give rise to changes in their education, thus presenting a more and more difficult problem: if at the beginning one sole ethnical mass, varied and disunited, soliloquises in her native country; if later on she begins with the Spanish race the formidable dialogue of their different cultures at the tragical hour of the conquest; if after confounding in a gigantic embrace with those from beyond the Ocean she gives birth to the mestizo crowds, independence once established there are no more three groups but they multiply, they cross-breed with innumerable tendencies and dispute eagerly for the triumph of their ideals on the stage of the Republic.

CHAPTER FIRST

EDUCATION AMONG THE ANCIENT MEXICANS

(from... to 1521)

ALTHOUGH all the Mexican political entities present an exceptional importance for the historian, even they that were but an amorphous protoplasma before the great Genoese's arrival in America, and although for the sociologist the archaeological monuments lying from the Casas-Grandes phalansteries at the North of our territory down to the historical temples at the South and South-East are so many colossal interrogations, we shall not study any other educational system than that of the quite historical peoples, the only ones characterised by sufficient data.

Therefore we shall begin our study with the Naho people, choosing the Aztec group thereof and concentrating our analysis on the Meshics: this will be enough to note the perdurable character of indigenous education: in no other town it might be better observed than in ancient Tenochtitlan; but its founders having passed through great vicissitudes, we must state their influence in determining their education.

2. It is a well known fact that the Toltec culture, having become sublimated under the mysterious influence of the personage or personages called Quetzalcoatl, was undone projecting its tide of civilisers as far as the Yucatec peninsula and the lands of Guatemala.

Nobody ignores that such an event was due in a great part to the pressure of invading races from the North doubtlessly pushed by hunger that, after provoking wars, had induced people to wander: thus the men of the North, less cultured, set out for a century of marches towards the South and their civilisation characterised by human beehives settled on the pointed ridges of the mountain chains, with hundreds of dwellings around one fire place, began to get modified at the sight of the more individualist southerners.

The large migrating crowds marched slowly, never abandoning a place but obliged thereto by necessity: they left as tracks cylindrical aggregates of houses in the valleys of the North-West of Chihuahua on whose bottom there are slumbering lagoons fed by rapid rivers coming down from the rocks.

Some came over the tableland leaving in Zacatecas as witnesses the fortifications of the Quemada on rough hill; others passed over the slope of Sierra Madre Occidental leaving innumerable tracks in Sinaloa; through Michoacan they ascended the large plateau of Anahuac and like the sediment carried by the rivers and precipitated successively on their beds, agglomerating the larger sum at their ends, they left on their road human groups and more numerous ones in the Valley of Mexico, these groups entering into fight with the old ones and changed their ideas and customs, civilising themselves mutually and educating one another.

It was thus the rude hords of the North brandishing bows, branches and pebbles, contributed to pulverise the pacific dominion that extended its influence from Tollan and Cholula as far as Orizaba and the boundaries of the South-Eastern civilisations; but in the same manner as after their triumph over Greece the Romans became subdued to hellenic civilisation, the Nahoas, without losing their rudeness, bathed their spirit in the dawn of a superior civilisation.

The last invading tribe whose mythical chieftain was the fierce warrior Meshitli, came to the Valley of Mexico when it was already full of people; but as on the South it is well shut up by high mountains and there were also warlike people at the South, they decided to settle in the Valley itself conquering the first occupant.

3. A great deal of land was then covered by lagoons: one of them, that of Mexico, presented a

shallow bottom and had some islets; it was the refuge of the Meshics; hiding between the jungles, in the marsh, with no more food than the weeds of the swamps or reptiles and insects, naked and pursued, they had for their first tutors the inclement physical medium and innumerable enemies. Their first *Anacacuhltli*, called king by many writers, had for his sceptre scarcely a handful of canes; but hunger, cold, nakedness, the alarm of the enemy always watching and espying the hour to vanquish gave the Meshics an extraordinary resistance and an almost boundless boldness; thus their whole history is contained in the first hours of their unprotectedness: in order to live they must be soldiers and they were so; they must raise an ideal of war and they raised one; but an ideal never imposing itself unless it is personified, the Aztec's was personified embodying in the terrible and deformed legendary antecessor Huitziliposhtli, ideal of ferocious energy, of valour, of never dismaying patriotism; thus the warlike and religious virtues got a body and therefore when the Meshics by dint of abnegation and perseverance succeeded in making themselves respected, the two directrices of their education and their destiny were

traced: their education like their government was to be military and theocratical; their destiny to live fighting, to triumph, to stir up hatred and to disappear amid the shine of glory when a sly man would come to lead the crowds of enemies.

Meshic history is an inflexible commentary of these affirmations, but there being no room for it here I pass to explain the breeding process of the nation when it reached its full development; a process initiated and maintained, as I have already stated, by the inclement physical medium and the hostile neighbourhood of other invaders;



Apprenticeship in the Calmecac. Hieroglyphs of the Mendocine Codex

but which by its turn gave rise to institutions and customs by which the ideal of the double military and religious organisation acquired its full vigour.

1. Meshic education is rendered patent by the Mendocine Codex, that admirable collection of hieroglyphs made by order at the first vice-roy. The breeding customs began from the very hour of birth: the *ticitl* intrusted with attending the mother, would vociferate like fighting people «meaning to signify the patient had vanquished and caught a child;» and having accomplished other rites, when the new born was a male child she addressed him a speech formulated by the chroniclers saying: «Thou must know and understand thy home is not here, for thou art a soldier and a servant; a fowl they call *kechol*, a bird, they call *tzaquan*, fowl and soldier of him who is everywhere; this is only a nest, an inn... Thy issue for this world... thy own country is another; for elsewhere thou art promised, for the field where battles are engaged; thither thou art sent; thy profession and faculty is war, thy obligation... to give the Sun to drink blood of the enemies and the earth corpses of the foes.» But when the child was a girl, the speech was different: «You are to stay within the house, as the heart does within the body; our Lord enshrines you in that place and your office is to fetch water, to grind maize in the *metate*, to sweat by the embers...»

When some days later a ceremony similar to baptism was celebrated, new practices accentuated education: when it was a male child, he was placed naked on a tule mat before sunrise and at his side they put a small shield, a little bow and four arrows turned to the four winds. The *ticitl* took the tiny

warrior on her arms, put the bow and arrows in his hands, poured some water over him at the very moment the sun clad him with his first rays; then submerging him therein she cried: «Lord God Sun, father of all and you, Earth, our mother, I offer you this creature and since he was born for war, let him die therein defending the sake of the gods.» Afterwards she offered the battle god the small weapons, thrice she repeated the name the boy had received and cried out: «Oh, valiant man, receive, take, thy roundel, take the dart, for these are thy recreations and the rejoicings of the Sun!» Then the boys of the neighbourhood entered, plundered the prepared dinner, thus symbolising the seizure of booty and they addressed the little one crying: «Now thou art of the class of soldiers that are eagles and tigers and died in war and now they stand singing before the Sun!»

In the same way as since the birth of the child acts were performed leading all ideas towards combat and religion, later on a series of practices took place aiming at the same end; while the child was in its cradle the parents invited the heads of the establishments where it was to develop its education after reaching its sixteenth birthday if it was a male and less if a female and they consecrated it solemnly to deliver it unto them when its turn would come.

Such a pact was followed by the practices of infant breeding still within the family: they resolutely aimed at making the sons strong, enduring and dexterous, wherefor the physical development was effected according to strict rules; ever since their birth they were bathed in half frozen water, they must sleep in very hard beds, and they were left nearly naked; when they were but four years old, their father obliged them to fetch water in small mugs and the mother made her tiny daughter use the spindle or the reel; at the age of five the children walked with small loads on their backs in order to become able to carry larger ones afterwards; when six years old they must earn part of their maintenance in the market places; when seven they made fishing nets; a boy of thirteen years knew how to govern a canoe and to bring fuel from the wood; when fourteen he fished in the lakes, being almost a man; without more clothes than a girdle round his waist, dressing not being allowed but later on, without shoes and with a most frugal food he had his body inured for all sorts of fatigue; when at a given moment he had been restive, he was soon tamed by cruel punishments: his feet and hands were tied together and he had to sleep on uneven ground or he was pricked with pointed prongs until blood came out or he was half choked making him breathe the suffocating emanations of burnt chilli.

5. At the age of fifteen years such breeding ended and that of the State could begin: if the youth belonged to a well-to do family he would be brought to the religious school called *Calmeac* and set up in the centre of the lake town, between the enormous truncate pyramid of the greater temple and its circunvallation wall, decorated with figures of serpents, not far from the large rows of vertical posts whereon the skulls of the sacrificed were inserted forming a colossal curtain of heads.

The young men entered the *Calmeac* for their whole life or only temporally: they were received with strange musics accorded by the old pupils playing on the sacred shells striking the vibrating woods of the hoarse-sounding drums called *teponaciles* and throwing to the winds the shrill sounds of clay pipes: the novices blackened the face and body of the neophyte, they put him on a string of wooden beads and in honour of the gods they pricked his ears till blood poured out.

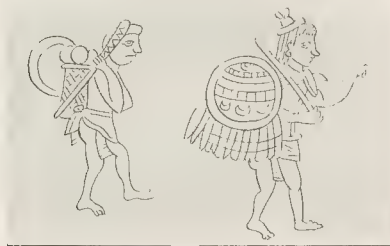
The *Calmeac* education showed the same characters as the family breeding: it was a school of the will to dominate the bodily appetites, to triumph over pain by defying it; to overcome hunger, fatigue, bad weather, sleep and the physical foibles; to form the strongest souls in the hardest bodies: for that purpose food was scanty, the bed rough, the dress poor, the rest short; with that aim long journeys were undertaken and penitences were incessant and frequent, and fastings were terrible; for that purpose at sunrise the pupils bled themselves as a sacrifice, and at midnight they went into the field with hay balls to thrust into them prongs stained with their own blood; therefor they dropped themselves from rugged rocks or had long cords with innumerable knots passed through holes made in their tongues; therefore these practices were strictly watched and most cruel punishments inflicted on the shrinkers; but as the *Calmeac* not only accomplished the education of them who were confined therein, but also

served as a model, they exhibited on the battlements of the temple that they might be seen from the four causeways leading to it, the bloodstained hay balls full of prongs, thus edifying the people who every day could contemplate the purple water of the large pond at the foot of the same main temple.

However, it was not merely the physical breeding and the education of the will what they wished to obtain: intellectual education was the scope; therefore the pupils were taught to decipher hieroglyphics and to record all things by means of same; they were also taught to reckon and availing themselves of their vicenary system and their few signs they contrived to effectuate complicated arithmetic operations; they were exercised in the observation of the stars and at the same time they received exact teachings about the measuring of time; they also learned how to observe the customs and characters of animals and plants as also the effects produced in the system by one or another of them and they were made acquainted with the events of their history and with the generalities of local geography.

Such knowledge must needs be almost wholly empirical: very few had been able to rise to the conception of a law; but it being a human necessity to explain all things by synthesis, our ancestors, attaining but seldom the law and rarely the metaphysical entity, did reach a multiple and multiform god to understand the Universe.

Explanations by means of the supernatural are always suggestive: when man opens a little window of his soul on the incognoscible, he is pushed by a vertigo of intelligence; even when he turns his eyes upon the known things, he carries the divine contagion and whenever he sees, he sees stupendous things; this explains why the astronomy of the Meshics was also astrology, why their natural history implied sortileges and why all their knowledge of history was intermingled with exploits of gods.



Apprenticeships in the *Cabneec*.
Hieroglyphs of the Mendocine Codex

If such conceptions threw a funest leaven of fancy

on knowledge and ended by interweaving certain and dreamt things and causing the forgeries of the soul to be considered realities as when the Spaniards arrived they were believed to be gods and so their triumph was made sure; in exchange, from this entanglement of intelligence causing all ground to yield under the feet treading upon it, there derived an advantage for the fine arts: imagination heated in the oven of the supernatural raised the ideas towards the divinities and suggested to build egregious dwellings for them, to show off in their honour beautiful adornments and to address them by songs, music, dances and speeches. So the utmost extent was attained by literature and poetry, music and dance, architecture and sumptuary art as well as by the manifold *minor arts*.

So the indigenes erected sumptuous temples, sculptured innumerable figures and at the sound of strange music and rare songs interwove showy dances, carried in their hands, in times of peace, odorous nosegays and decorated their dresses and bodies with singular adornments; but perhaps because fancy spreading towards the incognizable tends to be incontinent, Aztec art whenever it allied with religion lacked the divine *eurythmy* of the Greeks, and deprived of measure in the elements of a whole occasionally arrived at deformity and likewise lacking measure in the grouping of complexes, arrived at chaos; in exchange, when no religious conception came to deform the native inspiration, they produced admirable pottery, marvellous gold-smith works, splendid fret decorations of palaces, dazzling dresses of precious feathers and architectonical fragments of enviable artistic make.

In a like manner as in that part of education the religious ideal intervened, too, inspiring and vitiating them, in the public plays whose genesis has so many points of contact with that of the fine arts: artistic creation and playing are, indeed, a squandering of energies not for immediate usefulness but for the mere pleasure of producing; but whereas art creates acts which disappear trackless, unless

VOLUME FIRST

National education

Mexico. — Monolith hall in the National Museum



the tools of the sport subsist: so it happened among the Meshics; their celebrated ball game or the not less famous flier, their performances in the open air, left vestiges by which it has been possible to study the prepossessions of the extinguished players and those prepossessions have always been the religious ones, so that the games did not only serve for physical development but also for religious education: they reproduced objectifying them, the mythological events which the pupils represented in their sports.

6. However, education, in general terms, was not that of the *Calmecac*; it was another more practical one, more adequate to the necessities of the country: the rigorous and almost exclusively military one; certainly it was also given in the great school of the main temple; but as in that only the privileged by their cradle were received we had better describe that imparted outside of the *Calmecac*, stating however, insistingly that only pupils of that school could gain the uppermost degrees.

Two means were used to breed soldiers: one destined for the poor; these simply delivered their sons as adjutants who went to war and there learned the art of fighting; another for the remaining Meshics; in every district of Mexico there was a *Tecposhcalli*, a military school; there, as in the *Calmecac*, they were admitted at the age of fifteen years, in order to educate their will giving their character firmness; they were, too, subjected to privations, fastings, penitences, hard work and cruel punishment; but moreover the pupils learned how to till the fields in common, for their maintenance and to subordinate their own interests to those of the religion and the town, labouring gratuitously in the construction of buildings for the clergy and government, palaces and causeways. However, the actual teaching was war.



Stone vat to receive the human hearts from the sacrifices
at the great solemnities

When on the main temple the lugubrious *huehuell* sounded calling everybody to combat, not only the warriors wanted by the chiefs crowded together but the pupils of every *Tecposhcalli* grouped round their masters and carried their weapons for them, at first as mere porters and then as recruits.

Before, they had already made shamfights within the *Tecposhcalli* and learned against stakes to manage the heavy macana, as well as to brandish the bow and to discharge arrows, at first against inanimate objects, against animals afterwards; then the actual breeding came, the youths being taught to suffer hunger, thirst, fatigue and sunheat during long day marches; cold, moisture and rain, without shelter in dark nights, being obliged to sleep amid swamps; they were also taught to lay sly ambushes and artful traps, and to follow cunningly an enemy without being seen; but the principal teaching was on the pitched field of death when the soldiers grouped together following their chiefs, when the flags of every group of twenty men were to be seen crossing and distributing the masses, when in front of the enemy the savage warcry was shouted and the air was cut by the harsh buzz of the warrior shells and the *Tlacatecuhtli's* gold drum gave orders with quick double beat; then, by throwing the greeting arrows, by flinging thick hails of stones with their hollow and flexible slings, by seeing enemies fall at a distance and comrades drop down near by, it was when more was learned; but they continued learning still more at the moment when the armies came into contact, pressed one another, mingled in horrible contraction.

But if on the battle fields instruction had a greater intensity, it did not end there: it continued

when triumphal honours were received in the town of Mexico, when the most valorous were rewarded, they who had captured one warrior receiving honorific names and they who had caught two or three got dresses with special insignia. He who had captivated a chief was allowed to use like an armour the hide of a tiger putting his head into the skin of the beast's head and showing his face between the animal's open jaws; he who had caught two chiefs held a command and was called *Otomiltl*, in remembrance of the terrible warriors that had dominated in former times; he who made prisoners three chiefs was a *cuauhtli*, an eagle, the armour he wore being the plumage of the king of birds and amid the open beak he displayed his face. Greater feats were rewarded with more honorific degrees, superior offices and more honourable responsibilities; at the rear, in order to prevent routs, the *cuachic* marched, who were so utterly valorous that each of them deemed himself in duty bound not to flee even before twenty enemies.

7. Thus all things contributed to exalt the warriors; the head of the nation was the supreme general who never assumed command but after directing rude fights; the greatest of his subordinates were

the greatest of his army; the priests, as every man, were warriors: at the terrible hour of the conquest even the women fought, and children as well as the disabled, provided the fighting men with projectiles and arms.

But not only material breeding was thus orienting the men towards combat; religion did so too: when a man died fighting he was believed to go to be a warrior of the Sun accompanying him from his rise to the zenith, whilst a dark destiny was awaiting him if he succumbed otherwise, unless he was drowned, for



Teponaxtles of the National Museum

then he went to the paradise of Tlaloc, the water-god, perhaps because out of the water of his lagoon the *Meshics* had drawn all, their food and their defence; therein they had caused to float their swimming gardens; thereon they had erected huts, palaces and temples and as England owes the sea independence and power, so the Meshics were indebted to the lake; however, they were quite aware that but for their individual and strenuous valour, their lacustral situation, unfavourable and splendid at the same time, would not have sufficed and therefore their highest virtues were the military ones: from the cradle to the death bed all things were talking of the necessity, the convenience, the glory, the pleasure of making war; for the same reason, one sole idea explains the history of the Aztecs and their educational procedures: the idea of war. Owing to this idea Meshic education was a grand example of national, preeminently patriotic, education: their ineffable energy made the Meshics the people most heroically capable of supporting tortures and of knowing how to inflict them; their supreme products are the frightful art of human sacrifices practised with horrible delight at the hour of triumphs and the sublime defence of liberty by a handful of valiant men against hundreds of thousands of indigenes, against the sagacious and wartried Spaniards and above all against the superior civilisation of the conquest. Thus the old Mexicans' breeding was the master work of military education for peoples that, like the Aztecs, live in a semi-barbarous state: it must needs produce as supreme inflorescences, simultaneously, Motecuhzoma the little, a monstrous inflorescence of superstition and despotism and the great Cuauhtemoc, sublime inflorescence of the most manfully tempered character, to bequeathe on the centuries the glorious example of the defence of liberty only with a group of heroes against a world.



Mexico. — Court of the old convent of St. Dominic

CHAPTER II

THE SPANISH CONQUEST: ITS EFFECTS ON THE EDUCATION OF THE INDIGENOUS RACES

WHAT is of more importance in a conquest is not the material occupation of a people's dominions by another, it is the intromission of the souls: this is the only thing which assures progress for ever; but by this intromission a resultant appears wherein the dissimilar characters of the intermingling peoples are acting as it happened in Mexico when the heteroclitic primitive races were overwhelmed by the iron champions who raised Spain so high in the xvi century.

2. Such men are distinguished by their indomitable will: in them perhaps better than in any one else we may study the strange emotion called by Ribot mania for power; they inherited in a certain way the tendencies of the great dominators, the Romans, but giving them if possible still greater rigidity.

This tremendous expansion of incoercible wills displayed then in a twofold manner: one was the irresistible necessity of materially overbearing, up to killing the unsubmitive or seizing them and their property; the other was the not less irresistible necessity of intellectually commanding, imposing one sole faith, one sole hope and a unique ideal.

However, the craving for material predomination was exceeded by the vehement, covetous fondness of riches; friar Bartholomew de las Casas said the conquerors had *hiccough for gold*: this was spurred in the New World by the tempting easiness of capturing treasures belonging to beings long considered irrational, who almost never were treated like men and who were granted this name only thanks to the prodigious exertions of the great friar Bartholomew de las Casas who contrived to obtain from Pontiff Paul III that, in his most famous bull, he decided the indigenes belonged to the human lineage.

If the conquerors' craving for command had assumed only the shape of brutal subjugation, the indigenes would have disappeared: so it happened in several Antillan islands and in a part of the Continent; but the same thing was not possible in more extensive and densely peopled lands, not only because of these circumstances, but because it was hindered by other forms of thirst of command such as the dilium of intellectual dominion and the fever of sexual dominion: this latter pushed the Iberian race to unite, often rudely, with the subdued women and gave rise to the mixed races.

3. Thus the conquest showed a threefold modality: physically, the predominance of the stronger, the brutal suppression, by the sword, by fire, by systematic spoliation and absolute despise of all who attempted opposition; biologically, the sexual unions imposed by the invaders; from the intellectual point of view, the persecution of one culture, the transplantation of another.

If the first and second of these modalities often bore a stamp of frightful brutality, the third did not lack it when the testimonies of the vanquished civilisation were violently reduced into dust.

It did not constantly happen so: indeed, when the intellectual conquest was attempted, it was inevitable for conscience, dim in one and lucid in another of all the surrounding circumstances either in time or in virtue of inherited energies or of others dependent on the material or social medium, to come into play; in consequence thereof, the dominator could not possibly impose his civilisation at once: a multitude of known or nameless facts opposed or seconded him and therefore he did not give his effort the inhumane character of physical conquest but in very rare cases when he adopted the rudest means, torturing the bodies in order to dominate the souls.

His best army in the crusade of intelligence were the missionaries: as in the barbarous Europe of the centuries following the downfall of the Roman empire of the Occident, they lighted the star of progress, and their action in Mexico lasted longer than the colonial epoch; but there was a shift in the religious orders that undertook the enterprise of giving the old races new ideas: at first it were the Franciscans that spread over the country teaching how to love and to pardon; later on, the jesuits effected during long years their immense silent and powerful inundation.

The path for these and other orders was smoothed by the Dominicans, the great soldiers of justice, the good fighters for right; by them the proud disdain, the despotic haughtiness with which the Indians were looked upon, lessened and if the conqueror was the sword that wounded, they were the sword and shield of defence. Greater than any other by the loftiness of his merits and the energy of his exertions, friar Bartholomew de las Casas was the first of Mexico's educators because he taught the people beyond the sea the indigenes were also men and he erected into supreme virtue the preeminent one of respect for the dignity of everyone rendering untouchable the physical and moral personality of the conquered.

4. The teaching of the missionaries carried with it many good and many funest germs: before all and almost exclusively they wished to inculcate the principles of catholicism and this was beneficial in so much as catholicism is superior to the ancient religions: it seemed to be successful; the old gods had not been able to vanquish the European ones, ergo they were not the rulers of the world and must subordinate themselves under the vanquishers; but often such a victory was only a seeming one: the former state of mind of the indigenes persisted; if before they explained the phenomena by the intervention of supernatural beings more or less embodied in fetiches, afterwards they explained them in a like manner: it was no more Tlaloc or Coatlicue but the *Señor* of Chalma or Sacro-Monte, as autonomous deities; such backwardness, however, was also characteristic of the majority of the conquerors: the gain of the preaching, therefore, was not the introduction of a new religion since frequently the change was but verbal; it was the introduction of a worship exacting instead of blood, gold, incense, flowers and extasies.

Often even this shift was an illusion: in many spots, by full daylight, Christ was worshipped, while in the dark the old divinities were adored for centuries: such an intellectual and emotional consociation, nevertheless, modified the old religions at the same time as the newly introduced one and by little and little the former customs were substituted by new ones.

But it was not only a shift of habits, the ideal also changed; and this is what carries along with it

VOLUME FIRST

National Education

Father Las Casas

ORIGINAL PICTURE OF FELIX PARRA (NATIONAL SCHOOL OF FINE ARTS)



many funest things together with many good ones; every religion sublimates the most lively aspirations embodying them in supernatural beings; the ancient races had longed for dominant autonomy above all things; this longing caused the whole current of their breeding to converge in militia and incarnated at last in the grand Aztec ideal, the free lord of the peoples, the god of the armies, Huitzilipochtli.

The conquest pulling down the angry vanquisher from the blue bench of heaven was more terrible for the Indian than the disappearance in darkness of a solitary star would be for him who had set his heart on it; the sky had become tenebrous, the only light that had been shining there was confounded with the shade.

And as at that hour of supreme horror and maddening voidness good, eloquent and poor men came to talk of a good, eloquent and poor God who had suffered all kind of bitterness and concentrated all his being on the idea of something beyond this life, the good and sad God possessed himself of the souls of the conquered, impressing them with his ideal of resignation, making them consider despicable *the vain splendours of this world...* and breaking in them the spring of their energies on earth. On the other hand, whenever the conquered ventured a rebellion, the boldest or the most valiant were soon killed and thus a fatal selection took place, only they remaining alive who had become passive machines.

5. Beside the ideal of resignation they infused with incomparable success, the missionaries, aided afterwards by seculars and laics, taught the rudiments of the most humble arts that were a play

for the clever ancient artificers and that enterprise was fostered by the European artisans needing Indian aids: the second great man among the educators of Mexico was he who best supported this education, bishop Vasco de Quiroga who full of abnegation, surveyed his diocese in order to implant an industry in every village, such as had been implanted in Guanajuato, Michoacan and Querétaro by the virtuous friar John de San Miguel, a man full of love for the destitute; through such models of virtue and through them who consciously or unconsciously, interestedly or disinterestedly imitated them, the indigenes had access to humble offices, presages of a vegetative life for them who had shifted their warrior ideal for secular submission. And the most adequate means to maintain this submission being a routine manual activity that renders thought and effort useless because it is composed of automatisms, it was forced

VOL. I. 120.



Pontiff Paul III

upon the indigenes who, inert, conserve the minute industries commended them by the conquest and feel how in their dead hands the fine and inspired industries of the times gone by break up into dust.

6. With less amplex than manual and religious teaching the missionaries promoted intellectual education: first the spotless initiators, the model friars John de Tecto, John de Aora, John de San Miguel and Peter de Gante; afterwards the twelve Franciscans that formed the apostolate of Mexico, opened the roads to be trodden by their continuators and broadened by the Jesuits, erecting churches oriented so as to face the sun and building at right angles with them, Northward, schools with dormitories and courts for teaching doctrine. These courts were destined for the adult and the poor children, while the dormitories were reserved for the children of still powerful indigenes; but afterwards these distinctions were neglected, the power of the Indians having ended.

The great invading energy of the missionaries pushing them to possess themselves of the souls, led them to attempt the establishment of compulsory instruction obliging the indigenes by means of the authorities to send their children to school; to create from the beginning boarding schools as antechambers of the convent, to promote the instruction of children before that of adults, being aware that the plasticity of the years of childhood facilitates any moulding for future intellectual dominion; however, this not quite satisfying them they availed themselves of the children to instruct the adults and thus they widened their action.

7. Not knowing the language of the conquered was a great difficulty at the beginning to instruct them; but obstacles are a means to forward enterprises when routine is disdained and adequate procedures are adopted. If the missionaries had been obliged to preach in their own tongue they would not have contrived new educating means; but ignoring the language of the aborigines, they must supply it and if sometimes they did not hit right in their initiatives, as when they taught in latin, at other times they were in advance over their century devising schemes of modern education; thus to teach religion they objectified it in pictures similar to the mural pictures in use to-day, pointing out every subject matter with a long rod and explaining it laboriously, even by means of signs. In the same way they made sacred representations, first in the temples, then in the fore-courts and at last in the open field.

Such an effort, however, could not be fully fructiferous unless it aimed at learning the language of the people to be taught; and it was learned at last; the indigenous vocabularies and grammars made the Mexican philological literature of the XVI century a monument that honours the transmission of ideas of a great many educators as well by the toil and talent they displayed as by the aim they pursued.

8. We have stated the teaching was referring to religion and it is well to add that, as Garcia Icazbalceta affirms, «there were many seculars, clerics and monks who objected to the Indians learning more than what was necessary to be saved.» To prevent education to be a merely religious one it would have been very useful to teach the Indians how to read; but at the beginning this was difficult because they ignored the Spanish language and because there were only manuscript books zealously kept by their possessors; fortunately, in 1535 bishop Fr. John de Zumárraga and the great vice-roy Antony de Mendoza brought a printing-press, the first in America, that issued spelling books, primers of christian doctrine and other religious books, in the languages of the country. However the diffusion of reading could not spread so widely as that of religion imparted to large masses, as well by night with scanty illumination as by day light, whilst reading must be taught individually and with more light.

9. They also created centres of culture: Peter de Gante, the eminent Flemish lay brother who disdained riches and honours in order to civilise poor indigenes, founded at Texcoco, in 1522, the first schools of New Spain and then he set up and sustained that of St. Francis of Mexico which came to count one thousand pupils; one group of them, for half a century, was taught christian doctrine, reading and writing, music, singing and latin, then the necessary key to the arks of science; others learned painting, sculpturing, embroidery and various mechanical work, thus founding at the same place an actual teaching of fine and useful arts supplying worship and furnishing workmen to build churches and emitting educators who went to found analogous schools, so that the Mexico one deserves the title

of Normal school. The Indians were right not to believe the death of friar Peter de Gante and for years attempted to see him as when he shed the oil of his charity and exhaled the balmy breath of his virtue.

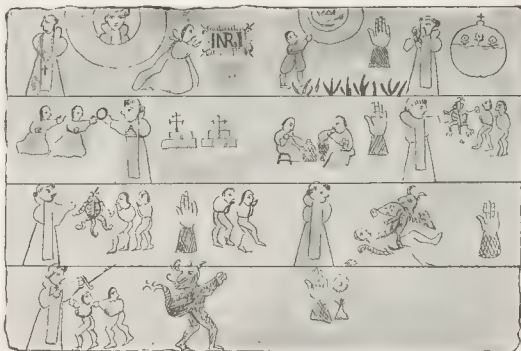
10. Luckily he was not the only one: the above mentioned bishop Zumárraga whom Garcia Icazbalceta procured to rehabilitate, founded in the villages schools for girls like that of Texcoco and wrote to the Emperor: «The thing that most occupies my mind and exerts my little forces is that in this town and in every bishopric there should be a college of Indian boys learning grammar at least.» Thus, in 1536, he created, near the convent the Franciscans had at Tlaltelolco, the famous College of the Holy Cross where religion, writing, reading, latin and rhetoric were taught; under the name of philosophy the metaphysical disquisitions of those times about nature, the indigenous medical empirisms and rudiments of music. It was no small honour for that College to have the great historiographer friar Bernardin de Sahagun for its rector; but already in his epoch statements were made revealing the poverty that obtained in that institution, for on folio 92 of the Santiago Codex we read: «This is to pray Y. M. that the two teachers of the children of the school are coming: order each to be given four pesos and two tomines for their work they have done during four months.»

Notwithstanding, other institutions were founded such as the College of St. Nicholas set up at Pátzcuaro by the great Vasco de Quiroga and that of St. Michael established at Guayángareo by friar John de San Miguel: both of them united at the latter place and under the name of the former remained at Valladolid (now Morelia); and when the Franciscans' great work was quite settled, the Jesuits continued it likewise

at Valladolid, at Pátzcuaro, at Tepetzotlan, at Huisquilucan, at innumerable missions in the North and West of the country and at Mexico itself where they opened for the aborigines the School of St. Gregory, perpetuated until the first half of the xix century and whose foundation was due to several caziques who as the Mexican minister Sebastian Camacho tells us in his memoir of 1826, offered the religious of the Company to build a college for them wherein they should educate the sons of the caziques who in exchange would raise a temple. The school so founded sustained itself with the boarding fees of the pupils from 1573 to 1683 when John Echeverria left Oculma estate and its annexes to cover the expenses of that Institute.

11. It is to be noted that these institutions, set up, indeed, only in a small number of places, rose and thrived by an almost strictly individual initiative, that in them the teaching was above all and nearly exclusively religious, secondarily manual and scarcely rudimentary in all regarding intelligence; the improvement of this only consisted as we have stated in reading and writing exercises, short arithmetical operations, latin and manifold metaphysical lucubrations; but as it was almost impossible books should come into the hands of the pupils outside the school they often forgot what they had learned.

However, the very few whose means of subsistence were less scanty reached the superior schools established not only for them, but for the other ethnic elements of which we must speak in a separate section.



Our Father in hieroglyphics



Valladolid (Morelia,
Former College of the Company of Jesus

CHAPTER III

EDUCATIONAL INSTITUTIONS DESTINATE FOR MESTIZOES AND CREOLES

WHAT we have called biological conquest, predominance of the invaders in their union with the conquered was of two kinds: either by force and at haphazard, by dishonest men who soon abandoned the indigenous women submitted to their wishes, or forming durable unions deserving the name of families.

Generally the man was a foreigner and the woman a Mexican as might be foreseen; Fouillée says: woman is conservative; man is liberal; she is the eternal Penelope waiting for the absent during long years; he seeking fortune or horizons, turns his back upon home; this observation founded on physiological conditions, was still more exact in the xvi century when every Spaniard felt his blood boiling when thinking of virgin lands, his nation being caught by an immense megalomania.

2. The result of regular unions was perhaps the only totally advantageous one: they led to the formation of germs of families of the Mexican middle class which in towns, villages and hamlets are the ground of the nation as in them the hearth creates social bonds since the very hour of birth and, the progenitors being unrooted from the land of their ancestors, their descendants cannot have antipatriotic velleities.

3. Detestable were, on the contrary, the irregular unions: the fickle adventurers who abandoned

the unlucky women, preys of their excesses, gave birth to unhappy creatures and as their mothers continued being victims of equal infamies, their miserable sons were from the beginning vagabonds who growing up without a home could not be social and formed two often mingled groups: the parasites who without working lived as beggars and the criminals, not only strangers to society but enemies of it, antisocial beings.

It was but natural that they who owed their lives to a mere unhealthy appetite and who always had seen themselves on the margin of society feeling it hostile should have indomitable impulses and likewise effectuate fortuitous unions procreating beings like themselves destinate to lead miserable or infamous existencies.

It is they that have continued multiplying those mischievous elements, especially in the towns where the reciprocal hostility of the groups increases and the sink of the vagabonds forms. The Spaniards were aware of the evil and although then their attention was claimed more by the circumstance that many of those mestizoes «erred vagrant among the Indians» and as a royal schedule states, were sometimes sacrificed by them, government ordered them to be gathered in fit places.

4. For the same reason viceroy Mendoza founded for women of a mixed race and even for Spanish female adventurers an asylum and college to bestow an adequate teaching of religion and womanly doings and which García Icazbalceta considers discussible as being the same that was perpetuated until the XIX century under the name of College for Girls.

Besides, the same viceroy Mendoza founded for the abandoned mestizoes the College of St. John of Lateran where, in the course of a three years study, religion, reading and several crafts were taught for children displaying little dispositions; the more studious or more talented children continued learning for seven years, their instruction comprising latin and the rudiments of philosophy.

5. Unluckily the institution of St. John of Lateran soon lost part of its beneficent character: having been permitted from the beginning to receive children sent by their parents which might serve to moralise the others, it happened that the children of settled families gradually occupied more place and at last the abandoned were very few in number.

Being thus left in a state of total helplessness and feeling themselves more and more separated from society and under enormous difficulties for setting up homes, generations have continued multiplying without a family, materially and morally abandoned, vagabonds at first and criminals thereafter.

6. Another circumstance favoured such a dissolution: the ancient Indian women received at home and at the *Calmecac* for virgins an education adequate to their destiny being taught how to practise domestic virtues and labours in order to become clever housewives and devoted mothers.

VOL. I. 121.



Friar Bernardín de los Angeles, general of the Franciscans

During the colonial epoch an analogous system was pursued; poor as well as rich women scarcely were taught something more than religious practices and domestic labours in convents and asylums or at their own houses; such a breeding, although often it did not even impart the rudiments of reading and writing, might have been sufficient for them who had the luck to constitute families, but not for the poor victims of their weakness or of errant appetites, because no sooner converted into mothers they saw themselves without protection and without an education apt to enable them to gain their own livelihood, so that only one honest door was left them open, that of domestic service; but while they were admitted themselves, often their children were repelled and must be abandoned in an asylum, a foundling house, a charity, if they were young, and could not incorporate into society, not adhering to any family; and if they were a little older or there was no room for them in the asylums, they were left on the streets.

Thus, the breeding of woman being deficient because it was based on the idea she would form a stable family, whereas in the large towns and especially at Mexico most of the poor women could not do so since they were able to unite only with men refractory to society, they were unable to live by themselves and must needs enter into the service of other families as it happens at Mexico, abandoning their children totally or partially, leaving them at the feet of society and ever increasing the legion of vagrants and criminals. However, even subordinate to other families the poor women were not sure of their lot; endowed by nature with passions they continued exposed to jeopardies and their falls could not but be repeated although they must leave their places and were exposed to roll down to the black bottom of the nameless, foul and dark vice which we, belonging to another social class, cannot be acquainted with, it being impossible for us to stoop so low.

7. This situation was growing worse during the whole colonial epoch although limited to the lower class of the large towns and is still subsisting so that the sore of many Mexican towns lies there. It does not produce, however, so terrible evils as might be thought nor does it extend to other classes, because, as is stated by the sagacious psychologist James, the secular habit of the social groups to live isolated hinders one to contaminate the others and the habit, also secular, of the disunion and subordination of the lowest classes hinders them, in spite of their greater number, from predominating, unless in the muddy hours of revolts when the social scoria comes to float on the chaos produced.

8. While the bad conditions of the group offspring of fortuitous unions became more marked, the more important one, that of the races mixed in permanent families, has been rising unceasingly.

The institutions dedicated to them, preferentially served the creoles, that is to say the children of European parents born in Mexico who obtained notorious privileges although they were less numerous; but as many of those creoles possessed riches they were not obliged to open the fecund furrows of their brains with the plough of the studies which they therefore reduced to the most elemental scale: the primary instruction and the abc of the secondary teachings.

A any rate the children of families, either creoles or mestizoes, had for a first means of education their own honest and stable home and then the schools annexed to the convents, and, later on, the few establishments supported by the secular clergy and the lectures organised, by means of a retribution from well-to-do citizens, by private teachers such as doctor Cervantes Salazar who in 1550 rendered himself famous by his grammar lessons. Many of the pupils when they came to frequent the schools were already able to read cartoons and spelling books and possessed some religious ideas which their virtuous mothers had inculcated them. Afterwards they improved those acquisitions learning to rule with leaden weights the paper extended on tarred and parallelly stringed boards; to cut fine points in bird's feathers dyed with different colours; to prepare inks and at last to round off the beautiful Spanish letter, equal, clear and level; having run through that course and learned dogmatically the rudiments of grammar and the four rules of arithmetic they were allowed to enter the secondary schools in some of which there were also primary departments and of professional teaching, juridical and theological.

9. Those establishments improved the lectures on ecclesiastical matters founded in their convents

by the Franciscans who had hardly devoted themselves to any other than primary teaching; but the honour of being the great founders of secondary schools is shared equally by the Jesuits and the Augustines: the latter, ere than elsewhere founded a school in the village of Tiripitío, in 1540, transferring it afterwards to Atotonilco; more appraised, however, was St. Paul's College founded in 1575 for the same Augustinian order, and without any other resource but alms, by diligent father Alonso de la Veracruz whom García Icazbalceta calls «a luminary of that century.» He bought the grounds, directed the building, formed the constitutions, deposited in the college «sixty chests of books» brought from Spain and which he is said to have read and annotated; he also set up there «a collection of globes, maps and scientific instruments» and, not satisfied therewith, settled the libraries of his order's convents at Mexico, Tiripitío and Tacámbaro.

10. Notwithstanding, the work of the Jesuits was greater ever since their arrival at the country in 1572, September 28th; being humbly devoted at first to the indigenous children that came crowding in the unroofed court-yard where the harsh magnanimity of Alonso de Villaseca sheltered the concurring pupils, they were more insisting afterwards, irritating and subjugating, by their inspired speeches, the rich Spaniards whose charitableness they roused and inflamed until after obstinate spiritual siegeworks they assigned large sums for the foundation and maintenance of colleges with scholarships for poor and diligent youths. The most important creations thus made by the initiative of the ardent Jesuits and without any support from government, are models of disinterestedness on behalf of public welfare.

The venerable Jesuit provincial Peter Sanchez was the great organiser of the institutions that then were founded and among which I cannot forbear to mention the College of St. Gregory established for indigenes as I have already stated. Very soon the treasurer of the metropolitan church, Dr. Francis Rodriguez de Santos applied to the said egregious provincial soliciting to enter his Company and offering him his estates; but father Sanchez instead of accepting those largesses caused the donor to found the «Colegio Mayor de Santa María de Todos Santos» on November 10th 1573, in his own houses making thereof an establishment of superior instruction where the pupils «found shelter and subsistence» and which lasted well-nigh three centuries, for it was not extinguished until in 1843.

But the praiseworthy father Sanchez was not satisfied with that; longing for greater goods he had obtained before, after a sermon in which he extolled learning, that several citizens founded St. Peter and St. Paul's College, on January 10th 1573, and as the number of the pupils was ever increasing, the three smaller establishments of St. Michael, St. Bernard and St. Gregory were also founded in the years 1575 and 1576.

However, even then the glorious Jesuit's thirst of teaching was not quenched: he craved for organi-



Mexico.—Entrance hall of the Mining School

sing by himself an Uppermost College, also under the name of St. Peter and St. Paul and, never shrinking before the harsh denials and the churlish scorns of the above mentioned Alonso de Villaseca, he made him grant, on August 29th 1576, the longed for donation deed of 40,000 pesos wherewith to constitute the establishment fostered with so much love, faith and hope by the charitable Provincial who, always indefatigable, sent his subordinates into the indigenous villages to learn the languages of the natives and to teach them the rudiments of European culture; thus his commissioners went to Huisquilucan where they studied the Otomi language and to Tepotzotlan amid whose splendid vegetation they raised elegant arches and beautiful roofs in order to cultivate at the shade thereof what they considered the *summum* of wisdom, theological lore; but their work waxed greater as I stated before: they evangelised the North and the West of the country and founded many other secondary colleges: in the seigneurial town of Pátzcuaro that from its lofty eminence beholds at its feet its gentle lake; in that of Valladolid which we now name Morelia to honour the most energetic progenitor of our independence; at Puebla that had the College of the Holy Spirit since 1578; at Oaxaca where bishop De Alburquerque excommunicated the educators who rendered so great services; at the old Veracruz and at the new one, where teaching was extended to the diseased and the sailors; at Guadalajara, at last, the pleasant capital of the Mexican Occident, as well as in the lands of Yucatan, at Zacatecas and other places.

But, as though this was not enough, several institutions founded or supported by others, came over to the expert hands of the Jesuits; so it happened with St. Nicholas College of old Valladolid I have made mention of; so also with the small seminaries of St. Peter and St. Paul, St. Michael, St. Bernard and St. Gregory which at length fully submitted to their direction, embodying in the grand College of St. Ildephonsus the pristine origin of the National Preparatory School; so did that annexed to the Colegio Máximo that under the patronage of the great St. Gregory and dedicated to the indigenes had stood for a short time in the hands of other educators.

11. Certainly, this movement diminished when power, with the care of the souls, passed over to the secular clergy; but nearly all the foundations subsisted and some were added during the new years, for although when the Jesuits were banished in 1767, several colleges were shut, like those of St. Gregory and St. Ildephonsus, they soon were opened again and this latter being destined, perhaps by its immense edifice, to absorb others embodied that of Christ created, in 1612, by the testamentary liberality of Christopher Vargas Valadés.

Besides, the Municipalities continued the work they had initiated organising primary schools; but their work was a most poor one, as is stated by Dr. Lewis E. Ruiz, in a meritorious essay on Pedagogy, on recording that «the viceroy Revilla-Gigedo, in 1794, assures that in all New Spain there were only ten primary schools» which statement doubtlessly refers only to the official schools, but at any rate it reveals an immense carelessness.

Indeed, the hour of christianisation that was the heroic period of progress, having once passed by, primary instruction became utterly anæmic, the secondary one was scarcely vegetating and nobody could be satisfied by the rudimentary instruction imparted to girls in the nunneries nor the seminaries which the bishops set up in order to teach theology and law and in virtue of a celebrated council, with so little enthusiasm that although the austere king, ascetic Philip II, ordered their establishment, since June 22nd 1592, his order was not accomplished in the town of Mexico but ninety nine years later on.

12. There were, however, in the last third part of the XVIII century, three important new institutions, less and less dependent on the theological spirit and destined to yield their fruits after the end of the Spanish dominion.

The first, destined for young women and widows, was the asylum-school of St. Ignatius of Loyola, called to-day College of the Peace and known by the name of the Vizcainas, founded in 1732 by the most illustrious association of Our Lady of Aranzazu which after choosing a locality, carrying through the work of building and gathering sufficient funds for its perpetual support, stayed, notwithstanding, long years from establishing it definitively, because the founders objected to the clergy's intruding upon

its destiny or management and to its becoming somehow the origin of a future convent. The archbishop of Mexico tried in vain to impose clerical vigilance: the illustrious Sir Francis Echeveste, Sir Emmanuel Aldaco and Sir Ambrosius Meave, although of quite a catholic mind, nevertheless objected to the institution's loss of liberty and fought for their just cause more than sixteen years long, even before the Pontiff and being resolved to *set the College on fire rather than to yield* they got its laical character at last accepted and so they opened it in September 1767 setting an example by their singular constancy and firmness in a century in which their attitude in front of the Church demonstrated a steadfast independence of mind.

Their great work was completed with annex-schools founded under their patronage by several philanthropists, in June 21st 1793; in them they taught reading and writing, religion and sacred history as well as manual work appropriate to women; however the constitutions that organised them bear a special seal of fondness for the weak beings they were made for.

Quite different was the necessity to be satisfied by the second of the great institutions of the xviii century, the only one dedicated to the systematical cultivation of the fine arts. Since the second century of the domination, especially, painting had found in this country zealous lovers: painters like Echave, Juarez and Herrera had disseminated the magic of their colours in manifold pictures exhibited in the churches to stimulate the piety of the faithful; but their works were spread throughout the country as were also small jewels of indigenous pottery evidencing exceptional aptitudes. At length the great king Charles III was pleased to found the establishment where Mexican art was to be concentrated; in 1778, he caused an engraving school to be organised in the Mint and through the initiative of Ferdinand Mangino propped

by viceroy Mayorga, he founded somewhat later, in 1781, an Academy for painting, sculpture and architecture to be named «of St. Charles of New Spain» which acquired a swift increment and in 1791 it was established in the premises where it is now, receiving from the said monarch's magnanimity, besides a collection of plaster casts worth 40,000 pesos, the nomination of professor of sculpture bestowed on Emmanuel Tolsa who has honoured the world with his beautiful works and in particular with his monumental equestrian statue of Charles IV and he has done better educating work with them than with his direct teachings.

If the College of the Biscay women signified an emancipation from clerical tutelage although conserving the religious education; if the Academy of St. Charles kept severed from all creeds because it taught arts independent by themselves, although the subjects chosen for the pictures were always fundamentally mystic, the third of the institutions of the xviii century, the Mining Seminary, was still more alien to a religious organisation because it was almost reduced to be a scientific school, for a long time the only one of its kind in the nation.

VOL. I. — 122.



Francis de Echeveste

Founded through the particular initiative of the Mining Court and having for its aim the improvement of the metallurgical studies in order to enable people better to work the immense riches of Mexico's underground, it was organised by the regulations of that department; its first name was Royal Metallic Seminary and it was established in a house contiguous to St. Nicholas church, but in 1813 it came to settle in the splendid building constructed for that end by the said artist Emmanuel Tolsa.

13. None of those institutions, however, no more than others of little moment like the National College of Surgery, founded in 1768, the rudimentary Conservatory of Mexican antiquities, constituted at the end of that century, or the small Botanical Garden praised by Bompland and Humboldt for its exceptional specimens, imparted a superior instruction nor was such imparted by the College of St. John the Baptist, at Guadalajara, founded by Jesuits, that of St. Francis Xavier, at Querétaro, erected at the end of the XVIII century owing to private initiative and that of the Immaculate Conception, at Guanajuato raised in 1787 by an analogous way.

However, the Middle Ages, labouring innerly under an ardent fever of knowledge, had devised an institution, the University, to harmonise and complete the scientific aspirations up to the highest degree; and if I have not said anything of the efforts made in Mexico to constitute Universities, it is because they must serve as a crowning and mentioning them at the end after the other institutions I am able to point out if they fulfilled their mission or if they left it unaccomplished.

It must be stated that the colony had scarcely begun to be organised when people commenced to dream of a University and thirty two years after the conquest of Mexico it was established by Royal decree owing to the initiative of the praised viceroy Mendoza and achieved by his illustrious successor Sir Lewis Velasco, on January 25th 1553. Its Professors were divided into perpetual and temporal ones; the latter being designated by competition were appointed only for four years at the end of which it was compulsory for them to win their post anew competing with their opponents and thus maintaining their store of knowledge well supplied.

Notwithstanding, neither the University of Mexico nor that of Guadalajara, established soon after, nor that of minor importance erected not much later at Chiapas, were what they ought to be: the highest step of the scale of wisdom; they were reduced to nothing more than to teach one or two indigenous languages and scanty technical notions of priestcraft, Medicine and Law; at Mexico only three classes of jurisprudence; the first of laws, second of laws and institutes; in Medicine at the beginning one sole lecture, later on two: the first to learn the healthy man, the second to study the diseased.

If this plan was incomplete as for the subject matter, it was deficient regarding the method which, indeed, could be considered characteristic of the epoch and diffused through all the superior teaching: the scholastic, therefore, the deductive, the casuistic method: good for theology and jurisprudence, utterly bad for Medicine and always one-sided; it is true, as Stuart Mill says citing Condorcet, «scholasticism has much contributed to the progress of good philosophy;» but it neglected the investigations having for their base the study of particular cases and, owing to the easy management of syllogisms, gave a vain presumptuousness, an unappealable security, rather incompatible with serene scientific discretion. Such defects were particularly noted in the studies called at first of *arts* and afterwards of *philosophy*, at the Universities as well as at some colleges.

To profess these disciplines at the University of Mexico they called the master friar Alonso de la Veracruz, the evangelical Augustinian on whom I already bestowed just praise: he attempted at reducing the complicate scaffolding of the argumentations; but in spite of his effort the three books he wrote and which were studied at that University form a labyrinth which makes us well acquainted with the poverty and petulance of the science of that epoch: the *Recognitio Summularum* of theology, the *Dialectica Resolutio*, of deductive logic and above all the *Physica Speculatio* are rather a tissue of fancies than of realities: metempricism is there incessantly spreading the deceitful light of its unfounded affirmations and hinders the statement of the cardinal knowledge of experience.

On the other hand, a teaching like that of the Universities, all by books and most ardent discussions

could be useful only having recourse to first rate works, to the old hellenic monuments fecunded by meditation; but to that purpose it would have been necessary to know well the classical languages in order to partake of the thought of the immortal masters Plato and Aristotle, and unluckily, although there were eminent latinists, most of the pupils were not and almost nobody knew Greek so that it was not possible to quench the thirst for science in the tonic stream originated by the Renaissance.

Thus those of New Spain never were true Universities nor were there other centres able to serve as a crowning of the edifice of teaching, for if the Upper College of St. Mary of All Saints made exertions to be a nucleus of perfection, to create professors, this was but an attempt.

14. At least the Universities had the merit as had all the superior schools, to be the foci whither the young men of better cultivated talent converged: the idlers and the inept were detained by the sieve of the examinations in the first or middle years of their curriculum; but the pupils of actual value were almost exclusively the sons of the families of mixed race, for as I stated before, the creoles rarely entered the auditories because the sting of need did not prick their souls, and on the other hand the indigenes and the abandoned were unable to reach the summits of learning since misery, abjection and despotism hampered their feet with too heavy shackles. Thus by the sole effort of the superior schools and the inferior but not impossible life the sons of families of the mixed race were placed in, they slowly formed at the side of the aristocracy of lineage and of gold and upon the dust of the indigenes having become inorganic as also upon the putridity of the abandoned races, a new aristocracy, that of learning, which was already constituted in the second half of the xviii century carrying in germ the progress of the nation.



Morelia. — St. Nicholas College

CHAPTER IV

EDUCATING INFLUENCES PRODUCED BY INDEPENDENCE AND ITS FIRST EFFECTS

THE mestizoes who contrived to excel in the schools by their education or their talent investing themselves with the covetable and dangerous habit of intellectual superiority, saw themselves afterwards supplanted in the ordinary life, since they could not work in what they liked, deal freely or publish their thoughts, for alike on the desert mountain ridges and amid the pullulating warp of the towns there rose the tower of monopoly regarding ideas, commerce, industry and government, even if the colleges, chiefly through the deductive abstractions of Theology and Jurisprudence, unheeding discouraging realities, had put on the young souls the potent wings of the ideal on behalf of justice. After this educational preparation there must needs come as a consequence a lack of equilibrium of the classes that entered into conflict; however, as long as the select sons of the schools were few in number, their protests must needs be isolated. On the other hand, the low people that suffered more than any other social class was unable to combat their traditional extortioners because although they were headed by viceroys, these were often bounteous and charitable and although troops were organised for invasions or to quell revolts, they were soon licensed and the warriors being once more pacific citizens entered into the anonymous crowd; so that the idea of a rebellion vanished when the enemy disappeared, the more so the group of enlightened mestizoes who might have oriented the ideas was very small during long years.

2. These circumstances, however, changed deeply in the second half of the XVIII century; on one hand, the marquis of Cruillas, in order to defend the country against an eventual attack of England, organised, about the year 1762, the first regular army there was in Mexico, wherewith the dominated

got a circumscribed body to direct their compressed hatred against; so that what might have been deemed a sure means to strengthen the domination, contributed to facilitating its downfall.

On the other hand the people was going to have its leaders; it had them already through the schools; nothing was wanting therefore, but the condition mentioned by Tarde to render wars possible: that they who are to undertake them feel they are in communion of needs and of faith in the possibility to satisfy them or of despair preferring death to everything else; indeed, if one suffers the most iniquitous affront, he may defend himself and die, his action not attaining the proportions of a war; but if he knows that he and others feel the necessity to defend themselves or if he prefers, together with others, to die than to see themselves humiliated, they join and war breaks out.

The consciousness of the community of wants and wishes in every group of the colony had been gradually produced not only by the schools, although they contributed for a great deal, but by other educating influences: some of them, peculiar of the dominating group, consisted in the feasts they enjoyed, in the habit despotically to impose their will on the humble and in resolving all affairs in the drawing-rooms, considering licit, normal and conceivable only the ruling of the potentates; others, special ones, town influences, constituted by bloody bull fights or in Mexico by patibulary «autos de fe», fostered in them who believed to stand so high above and so distant from the people that they deemed any vexation of this a plausible thing, a relish to effectuate acts of cruelty like those of Iturbide and Joseph de la Cruz in the war for independence.

3. On the other hand, the bull fights and «autos de fe» displaying a joyful luxury of cruelty before the rabble, gave them a greater readiness than they had acquired through other motives to give vent to their passions in a sanguinary manner when feeling the least misdemeanor impulse, not with the consciousness of collective superiority that had arisen in the dominating groups, but with the ebullency of all the appetites of a wild beast capable to make explosion during the unsettlement of the wars.

4. In exchange, the educational forces that most influenced the upper mestizoes constituted a beneficial civic education, ere than anywhere else, in the first rate schools where, as I stated before, the great ideals of justice and right were extolled as the *summa* of human perfection. Bred with such ideas the more intelligent, if they had characters, could not but long for carrying them into practice when leaving the schools they felt the vexations produced by the injustice of the privileges.

That education was oriented in a common consciousness of the iniquity of their lot and the desire to rebel when they saw the axes of the ideas crystallised in books which, free from the compulsory discretion of school teachings, were read with a long, feverish and passionate fervour and accorded almost in unison the souls of all who read them in Mexico, thus mingling, across the Ocean, the ideas of the other side of the Atlantic sea with those of the Mexican country, not totally confounding them, however.

5. Since the beginning and during centuries Spanish scholasticism had been throwing its dialectics like a perpetual leaven into the new born intelligences of America; then the authorities both of the Peninsula and this viceroydom wanted to isolate the Mexicans from any other influence and they succeeded therein during the government of the Austrian kings who carefully shut the door for any merchandise, for any man that were not peninsular, securing this separation by most severe penalties imposed by the Supreme Court of Faith when they suspected any heretical ideas had got hold of any individual arrived at the country.

By such means Mexico continued a long time nourished almost exclusively with Spanish thought: her dialectics were then but a pale shade of the Iberian and only her literature could be the competitor of the Spanish when it was represented by the celebrated Mexicans John Ruiz de Alarcon y Mendoza and Sor Jane Agnes de la Cruz. Then the galas of style and metrification, even in latin, were an adornment of every festival and thus the sons of the country while preparing to get ideas, learnt at least how to phrase.

6. However, isolation became impossible when a French dynastic house ruled the Iberian destinies: then in Spain there was a multiplication of ideas, of men and all descriptions of merchandise come from

beyond the Pyrenees, with still more transcendancy because this happened in the xviii century, a great sapper of old ideals.

Many Spaniards got then Frenchified, not merely superficially, but deeply: they liked the delicious satyres and the profound idealisms of the adversaries of the ancient regime; later on several of them crossed the Ocean and as sometimes the authorities themselves brought the new ideas with books that at the same time crept in subreptitiously, many frenchified Spaniards had made proselytes in Mexico in the last third of the xviii century and enjoyed the dangerous and rich fruit of their lectures, often in the rectories and

in the convents, since at that epoch the church folk were the most enlightened.

Thus the Spanish dominion ended and the French dominion began ruling the select minds so that they realised their mental independence several decades before the material one; then they learned to become aware of their community of ideas when they met either in circles in the boarding schools at leisure hours, or in literary, and afterwards political, societies, or in the auditories directed by professors who had seen the new light, like the great Hidalgo who infused his ideas into Morelos and many others, at St. Nicholas College; and in this manner two supreme results were realised: one, the work which the University ought to have achieved: to realise the superior education as it was realised by private exertions and thanks to the books by the learned men who at different times climbed the summits of thought; another, a more transcendental one, to break the fetters of the ideas, to unite the aristocrats of mind by the same hope, making them aware that in North America as well as in France, the unarmed, the disorganised, the submitted had imposed the law upon the armed, the organised, the dominators and impelled them to head in-



Mexico.—Façade of St. Charles' Academy
to-day National School of Fine Arts

insurrectional movements that were to be the last peripeties of the eager dramas acted before in the consciences.

It was thus that at the beginning of the xix century the distinguished Paul Moreno was able to hold the first classes of free Philosophy ever held in the country and to achieve a revolution in the minds of Andrew Quintana Roo, Lawrence de Zavala and others of his disciples; it was thus also it became possible that in the town council of the capital of the viceroydom, in 1808, in full colonial society, Francis Flores Verdad would rise to the conception of democratic government for New Spain and would proclaim it before the amazed governants.

Nothing thereof could reach the lower class, but her dominant emotions rendered her admirably fit to second any insurrectional effort; in fact, it was divided as I stated, into two groups: the pure indigent one and that of the inferior mestizoes; if the former had no ideas it had emotions; one, the fun-

damental one, that which I sketched at the beginning: the fruit of the religious teaching, inert resignation, the astounded want of exertion for any work of this world; another, too, with strong roots, that originated by the despotism of the dominators who had provoked frightful outbreaks of ire strangling them afterwards by fear, transforming them into hatred reconditely hidden and ready to vent against the oppressors. There was no hatred against them among the lowest mestizoes; however, being the dregs of society they had the possibility to favour any antisocial movement and thus they were a tremendous fuel at the hour of struggling against the domination.

7. Only a shout was wanted, for the same reason: a man to gather them who could think and head them who were able to act; that shout was proffered: that man was Hidalgo at whose voice the grand independence movement was realised. Having been organised by them who had elevated their thoughts towards the ideal of justice, it caused the reaction of the partisans of the different forms of absolutism, who were not the Spaniards alone but chiefly the enriched creoles and unchained and maintained the long war for liberty whose aspirations had two propagating agents: the newspapers or pamphlets and the great men who by their extraordinary feats were powerful models.

The newspaper, having been, during the domination, a simple flying leaf that was issued when the Iberian fleets arrived, to make people, particularly the creole or the Spaniard, acquainted with the remarkable events of the mother country, entered into a new phase when the independence war broke out, being profusely accompanied by the pamphlet and procuring to educate the people knowing how to read as well as the masses for whom it was read or whom its contents were communicated in conversations: Joachim Fernandez de Lizardi wrote then several of his strange and multifarious pamphlets wherein at the side of insignificant passages sharp darts of common sense were shining to correct false opinions; the unsettled Charles Maria de Bustamante unceasingly intermingled his fervorous enthusiasm for his native country with the unhappiest divagations, and the almost always serene and great Andrew Quintana Roo was, in the papers of his time, the eloquent defender of the independent ideals, aided and sometimes guided by the famous Dr. Cos who through his plans in war and in peace gave the insurgents as well as the royalists great moralising lessons.

So, during the eleven years of struggle when the schools were converted into clamorous barracks and the money allowed to support them, was invested in war, the newspapers and the manifestoes of the independent chiefs supplied the schools, and were the actual educators; however more than their influence that of the great patriots was then to be noted: converted into prototypes of civic virtues they impressed an ideal upon the crowds and after their death they have become giants personifying the great and noble things that may be desired for the country.

8. However, by the side of the moralising effect of the good writings and of the genial patriots, the unhinging war caused an enormous demoralisation; the colonial society, as the distinguished sociologist Michael Macedo has well pointed out, although being defectuous, was organised: with its base of a vegetative population, its handcuffed middle class, its myopic leading class, all of them except the abandoned, permanently occupying their posts which they commonly transmitted to their children. On a sudden, war put all thing in jeopardy; like a furious gush it levelled the different parts of the social edifice; it supplied food to the megalomaniac tendencies and roused incoercible ambitions that must produce new troubles.

9. An analogous system of education formerly established in Spain had produced there, almost at the same time, an analogous protest against the oppressors as it had produced in France and must produce in all the countries that with the same iniquitous distribution of rights, might have been educated in the ideal of absolute justice.

The Spanish revolutionary movement gave rise to the progressionist and dissolvent Constitution of 1812 which allowed the independents to profit of the liberty of the press at the few spots of New Spain where that Constitution was ephemerally established; however the retrocession followed immediately and the liberals were not able to impose their ideas until 1820.

Then the Mexican royalists, seeing that government was going to allow liberties that would destroy

their old privileges, wanted to hinder it by all means, they put themselves at the head of the insurgents and betraying government they were not traitors of the old regime, so that they consummated the gubernatorial independence on September 27th 1821 and at the same time they riveted the discredited privileges.

10. Thus foreign monopolies were substituted by Mexican monopolies and although there was a breach of the old equilibrium maintaining the ethnical elements originated by the domination in their relative positions, this did not modify them radically, on the contrary, it accentuated their characteristic connotations. Thus there was a quickening of the idiosyncratic individualism to be observed as much in

the races of the South of Europe as in the swarms of their colonies and which, although existing only among the Anglo-Saxons after the opinion of many people, has revealed itself throughout American history, since the discovery and conquest of the New World was almost totally due to the amazing enterprise of mere private persons whose descendants, endowed with an insatiable acquisitiveness and enriched by secular spoliations, continued being characterised by the same individualism which, restrained by still more individualist men, the resolute Spanish monarchs, often rose in arms against the domination and upset it at last when it betrayed the kings taking for its leader the ex-royalist Iturbide in order to break down the only power that had been able to dominate it and, indeed, to enter into an epilepsy of anarchic ambitions, but not doing anything else than persevere in its own nature.

The upper mestizoes, for their part, when shifting their secondary situation for a loftier one and feeling themselves apt by their intelligence



Emmanuel de Aldaco

and their character to fill the highest posts, experimented also a deep want of equilibrium when the huge iron hand that lay on them, was drawn back across the seas; but they too did not modify in an intrinsic manner, for they conserved, in spite of some fluctuations, the great ideals they had been imbibed with in the schools.

The anti-social class, at its turn, unsettled from the beginning, did no more than continue unsettling through the funest initiation of the war orgies and the allurements of the ascents that stimulated them to enjoy the feast of life; whilst the indigenous class also consistent with its acquired nature, instead of awakening by the wars from the leaden sleep despotism had laid on it, got it more lethargic, because the campaigns against the Spaniards satiated a part of the inveterate hatred that might spur the indigenes to change their existence and the end of the struggle was also the end of the only excitant capable of setting on foot, quite suddenly, the spectre of the old dominating race.



Mexico. — Main façade of the College of St. Ignatius of Loyola, to-day of the Peace (vulgarly of the Biscay women)

CHAPTER V

INDIVIDUALISM AND ITS GENERAL EFFECTS UPON EDUCATION

AFTER 1821

Two of the four ethnic elements formed by the Conquest were destined to enter into conflict, that of the Spaniards and their descendants born in this country and that of the upper mestizos.

The Spaniards and their descendants who from the beginning of the colonial epoch had lived of the monopoly, had to defend that form of existence and we have already stated that ere than to renounce their privileges they fought with Spanish royalty making themselves independent thereon.

On the other hand, the superior mestizos who at school and in books had learned to regard freedom and justice as the highest good understood when independence was established, that it was to be only a nominal one; that, like before, one group of the population kept the monopoly of instruction, religion and the press in order to master thought; of industry, commerce and government in order to enjoy the riches; and then ere than resign themselves to continue vegetating they prepared for struggle in order to be able to labour unfettered and to partake of government either with the wish to thrive or with the aim to foster progress.

Forming societies that often were masonic lodges where many met who had become acquainted in the boarding colleges or in the camps at the hours of fear and hope, they procured to diffuse, as *the Mexican thinker* Joachim Fernandez de Lizardi did, by conversations, speeches, pamphlets, newspapers and even fictions, the ideals of supreme justice acquired in the schools and they attempted to possess them—

selves thereof; but as every attempt of theirs came to split on the more and more hostile rock of the privileges, they at last took the arms and began the bloody era of the revolutions, because, as it was quite natural, the dominating group defended itself indefatigably.

The leaders of the privileged defended their ideas not only because they implied their elements of livelihood, but because they had been taught to consider the might of the clergy absolutely sovereign involucrating justice and all good things, so that they imagined the clergy losing its power would be the greatest disaster.

The liberal leaders for their part combated the afore mentioned as much in order to destroy the privileges hindering their enjoying determined advantages as because their bolder spirit had enabled them not to submit to the educational discipline placing the clergy above all as a sacred entity and had pushed them metaphysically to construct an ideal of justice superior to the clergy itself. The government scheme condensed for the privileged in the intact conservation of the old regime while for the liberals it was reduced to granting all the liberties and their equilibrium among the individuals.

2. Both groups, however, lost their cohesion because amid them there rose some conciliators who not contenting anybody weakened all and because anarchic individualism, overflowing during the war for independence and prompting ambitions, caused the lofty intentions of the patriots to be crossed by mean aims at purely personal lucre.

The privileged and the unprivileged, the ambitious who raised daily disturbances and the patriots, all availed themselves of the ductile material for the wars they found in the indigenes and the lower mestizoes: the former snatched mainly from the labours in the fields died in the battles with a valour sometimes sublime and always stoical, revealing the same bravery and rigorous subordination they partly were still owing the Aztec education; but not comprehending with what party justice sided, they served the one and the other, converted into mere machines of death.

In its turn, the multitude of ragged rabble without cradles that from the town had spread over the villages extending there the plague of immorality ended either by dying like the indigenes or by rising through their indomitable bravery to high posts in the improvised armies or by organising gangs of highwaymen disguised as revolutionists.

3. It is easy to understand that the revolts whose sole origin was greedy individualism only lasted as long as the lucky energies of their leaders; in exchange, those provoked by the vindication of right choked by unjust monopolies, must revive as long as those monopolies subsisted.

The first means that could be imagined to destroy them consisted in the expulsion of the old privileged, the Spaniards; this was done in 1828 and their capitals and forces were diminished, but the privileges remained subsisting incarnate in the high clergy and in the rich families that had clung to the old regime deeming they could live only by its shade.

Minds having become exacerbated with the expulsion, the struggle must grow ruder and it was logical to think, as a second means to destroy privileges, of taking away from the clergy the treasures they employed to defend those privileges.

It could be done: society has a right to nationalise the estates whose use she has allowed the moral persons created and modified by herself in the conditions of her own liking; but the privileged possessed an immense power and the bold attempts effectuated in 1833 in order to correct the iniquities must be put off for many years.

4. Meanwhile, individualism growing more imperious because government was less stable, produced innumerable political effects reacting on education: the most momentous one consisted in the circumstance that the country became disorganised shifting alternately from the system wanting to concenter all things in the town of Mexico to that which wanted to establish as many centres as there were important towns. The first government had not had decision enough despotically to quell the revolts and the later ones, more rachitic because they drew their substance out of a country exhausted by disorder, must succumb the sooner.

Encroaching individualism and the weakening of government must facilitate the predominance of federal tendencies apt to satisfy a larger number of ambitious people, thus producing numberless caquedoms, divide the land into hostile countries such as Texas and Mexico and break up the large administrative divisions into small ones; but at the same time they would weaken the privileges already undermined by the crumbling of the riches that sustained them and by the discredit that befalls institutions many times injured.

That disorganisation fatally reacted upon public instruction: the establishments founded or supported by the clergy itself lacking a leader during several years after the independence, since the highest of them, that ought to be archbishop Peter Fonte, having gone to Europe, only procured to galvanise the dead body of the Spanish domination and since there was a total lack of bishops either because they were unwilling to accept the autonomy of Mexico or for other causes, so much so that the students who wanted to take orders were obliged to undertake the long voyage to New Orleans. Many a curacy remained vacant and as the most intelligent pastors of the Church did scarcely occupy themselves with anything else but politics, the auditories of the seminaries were less frequented and their professors less fit for their task.

The missions formerly so useful among the indigenous population degenerated likewise, because the religious fervour had cooled down to such a degree

that the governments were obliged to support them even since the colonial epoch and with ever increasing penury. In exchange, the capitals of the remaining institutions founded by private initiative were so sound that they resisted a long time. Notwithstanding, they decayed, not only through the wars, but because their funds began to pass into the hands of government since the time of domination and although this acknowledged the interests, it was hardly ever able to pay them.

On the other hand, religious enthusiasm having diminished and insecurity become general, most of the convents had no wish or were in the impossibility to establish the schools they ought to found according to pontifical recommendations. Other institutions were shut, as, in 1829, the founding hospital that was not long in being opened again considering the increase of infanticides; the same lot befell for a short time the Academy of fine Arts reinstated by the munificence of some dignitaries of the clergy of Puebla. In this degeneration aggravated because many individuals capable of filling the chairs with entire fitness preferred throwing themselves headlong into the whirlpool of politics, the large schools felt them-



Emmanuel Tolosa

selves sometimes abandoned and applied to Government soliciting its direction and the pecuniary support not needed in other times, for although since the beginning of the colonial epoch they had lived under the governor's influence especially experienced by the University and the Academy of St. Charles that were official institutions although the latter derived in part her origin from 13,000 pesos subscribed in a private way, they had suffered no other patronage than the public power's.

Doubtlessly therefore the new governments provisionally contented themselves with revising the acts of the old schools and decreeing in their behalf subventions they paid irregularly; but they exacted from them big sums to satisfy political necessities and thus they undermined their organisation so that at the rate they were decaying and needed more help, government acquired more dominion over them, a fact that was never discussed because nobody doubted public education was incumbent on the political authorities.

Such facts, initiated as we said already before the Independence and accentuated through the wars, were developping in a well marked progress until 1867; therefore the degeneration of the establishments depending on the clergy, the weakening of those of private foundation and their final absorption by government, the keeping up of the old educational systems across ephemeral peripeties continued and their permanent effect was to cause the high ideals of justice and the deductive procedures of reasoning to be the most powerful moment to demolish the privileges.

5. But if individualism unchained by the ephemeral triumphs of the wars produced in part the disorganisation of the country, it also produced new and progressionist works, some of them entirely of a private character and others initiated by Government.

The private ones could not prevail by themselves because they were not due to the capitalists then devoted to politics, but commonly to men of scanty resources; however responding to deepfelt necessities and being attended with special fondness, they lasted longer than the genuinely official ones dragged along with the downfall of the governments that had schemed them, unless they were fecunded by private initiative.

The first of the institutions of that kind rose in 1822. Bell and Lancaster had just implanted in Great Britain their system of mutual teaching: it became known to the editors of the Mexican paper *El Sol* (The Sun) who divulgated it with enthusiasm and founded the well deserved «Lancasterian Society» that established, also under the name «El Sol», a school of mutual teaching in the Secret hall of the extinguished Inquisition and immediately afterwards another more extensive one in the former Convent of the Bethlehemites yielded by Government; but although they tried to make it serve as a normal school for Professors to which purpose it was endowed with premises for 1,600 pupils and although several States of the Republic founded analogous schools, the teaching could not thrive sufficiently because they improvised beginners for masters and because the associates did not pay their quota with regularity, so that Government was obliged to support it almost exclusively and did so with so little luck that minister Luke Alaman, in his memoir of January 5th 1831, stated: «The Lancasterian Society has been obliged to shut one of her establishments because the subscriptions of the members being wanting the succour she receives from the Treasury is not enough to maintain more than one of the schools she held open.»

Thus not only the old institutions came over from the private persons to the governments, but also the new ones although not in an abrupt manner: until 1867, indeed, the old Colleges conserved a certain autonomy, more and more reduced; the same thing happening with the Lancasterian Society that died away some years ago after having been for some time the sole vivacious institution devoted only to primary instruction.

6. Another circumstance apt to weaken the action of the Government, during the beginning of our independent life, was the want of stableness of the official centre devoted to organise instruction, for it was intrusted first to the secretaries of inner and outer Relations, of Justice and Ecclesiastic affairs, then to the Home secretary, afterwards to that of Justice who a few years later on yielded once more these functions to the Home secretary and at last reassumed them as forming part of the ministry of Justice.

Because of all this, the authorities, especially before 1833, wanting elements destroyed a part of the existing organisation, issued some dispositions that were scarcely fulfilled or contented themselves with

devising reforms. They were obliged to destroy soon after the Independence the decrepitate Protomedicate that formerly organised the medical studies; but nothing being created to supply that institution, the country lacked an organisation to that purpose for several years.

They partly suspended the institutions as it happened with St. Charles Academy and meant to fill the void by granting three young men an allowance to go to Europe and cultivate art.

Declaring in the first political Constitution of the country it was incumbent on the town councils to impart primary instruction they made dispositions that almost remained unfulfilled because of the chronic pecuniary penuries and the transientness of the governments; nor was the order accomplished enjoining, in 1823, the cities to establish reading cabinets exhibiting all the official documents.

When founding more lasting settlements they left them truncate because of the same penury as it happened with the secondary schools which, under the name of Institutes and by decision of the local Congresses, were organised at Chihuahua and Oaxaca about 1827 and at Jerez in the State of Zacatecas in 1832 by the initiative of the justly beloved governor Francis Garcia y Salinas. Likewise unprosperous were the cadet academies founded by Government in 1821 to the purpose that the officers of the army might cultivate mathematics and drawing and which in spite of the predominancy of militia in a country whose emancipation was due to war, hardly subsisted, leading a vegetating life, until 1827.

7. The impossibility to found something solid was the cause why the authorities must be content with devising reforms or explaining their conceptions concerning instruction; so, in his memoir of November 7th 1823, the minister of Relations, Luke Alaman, declared: «the base of public instruction is primary teaching,» and he added: «without instruction there is no freedom;» so, also in 1823, he conceived the project to form a plan comprising «all the sciences,» to which purpose the old institutions were to be turned to account by raising them to the level of the wants. Commissions after commissions were then named and schemes were agglomerating; Alaman himself went on improving them until 1832 and insisted in arranging matters so that, in stead of the same classes being repeated in divers colleges, every establishment of those legueathed by the domination devoted itself to one sole end: thus Theology would be taught in the Conciliar Seminary, Law and classical Literature at St. Ildephonsus College, exact Sciences and Physics at the Mining School, Medicine at St. John of Lateran where the deficient classes of the Mexico University were to be transferred as also those of the National College of Surgery that had only got to have two Professors. Mr. Alaman, wishing people to become well acquainted with the archæology and the natural products of the country,

VOL. I. — 125



Ambrosius de Meave

insinuated likewise the scheme to remould into one sole institution the Botanical Garden languishing in the National Palace with one Professor and the Museum of Antiquities reduced to be a confused congeries of curious objects lodged in a room of the University.

In order to carry those ideas into effect Alaman planned a Board of directors that was to have the free administration of the proper funds of the schools and of the subsidy with which Government helped them and he insisted, finally, in the suppression of the useless classes at the University and the «Colegio Mayor de Santos.» Such ideas, welcomed by eminent thinkers, were destined to make their way and a first effort to set them up was made in 1833.

8. The country was then ruled, in the absence of Santa Anna, by the great vice-president Valentine Gomez Farias, a lively incarnation of the individualists unified through the ideals of freedom which the metaphysics of the Colleges had framed: a republican of an open mind he began to actualise the reforms which were destined to annihilate the group of the privileged and to suppress the privileges themselves thus destroying one of the origins of the wars. For that purpose he initiated and promulgated some laws carrying in germ the nationalisation of the goods of which the clergy was making so bad a use and he interfered in instruction issueing well-hit dispositions like that which, in April 1833, founded the Society of Geography and Statistics and above all that which, on October 19th of the same year was formulated by Joseph Lewis Mora; that law prescribed, according to Luke Alaman's ideas, a Directory general of Public Instruction headed by vice-president Gomez Farias, charged to manage the funds of instruction, to frame its regulations, to organise its personnel, to designate the text-books, to inspect the public libraries and to foster education in the theatres; moreover, he suppressed the useless classes at the University and in order to create several not existing teachings and to reduce to one the needlessly repeated ones he provided a School of preparatory studies should be established in the Jesus Hospital where up to eight languages, philosophy and natural theology were to be taught, gathering the dispersed and partly hostile pupils; a School for Physical and Natural Sciences: Mathematics, Cosmography, Physics, Chemistry, Natural History, Geology, Geography, Mineralogy and two languages should be set up in the old Mining Seminary; at St. Ildephonsus there should be a School for Jurisprudence, Ethics and Rhetoric; Ecclesiastical Sciences should be taught at St. John of Lateran; Ideological studies and humanities: Political Economy, Literature and History at St. Camillus Convent; at Bethlem Convent there should be a Medical School teaching the human organism in health and disease, Therapeutics, Obstetrics, Forensic medicine and Hygiene; and lastly, in St. Thomas Orchard, there was to be a school for Agriculture, Arts and Trades.

This plan had the defect of excessively narrowing the preparatory studies and the good quality to form with them an independent whole. Aiming at constituting schools for Medicine, Agriculture, Arts and Trades and Humanities, it signified a virile ambition to cultivate all kinds of knowledge and it was integrated by the disposition which on October 24th of the same year decreed the creation of a National library it at once regulated and by the decrees that soon after gave rise to several schools for adults as also by the decree of October 26th disposing the foundation of Normal Schools for male and female teachers.

So great an effort at organisation was still completed by the regulation elaborated by the Directory general of Public Instruction and which provided: that the Conservatory of Mexican antiquities and the Cabinet of Natural History should form together, according to Alaman's ideas, a Mexican Museum; that the Academy of St. Charles should receive the name of Fine Arts Establishment and that in every ward of the Federal District there should be a school supported by the Directory itself and surveyed by an inspector.

The same regulations shut the Normal Schools up into the mutual teaching system reducing the lectures to the fundamental matters; but these defects were slight blemishes in the most remarkable plan of 1833, which, besides its other merits had that of bestowing a great independence on the Board and explicitly assured all kinds of persons full liberty to open schools giving the local authority notice thereof. In that same year 1833 other ministers also made exertions to set up educational institutions and thus the Military College was established for the future organisers of the army.

9. Unluckily nearly all these efforts were unsuccessful: being linked with the work of nationalisa-

tion and consequently the destruction of privileges, they provoked an immense protest from the maintainers of the old regime, particularly in 1834, and the reaction pointing at the nationalisation of private establishments either dedicated to instruction like the Universities and the Santos College or devoted to beneficence like Jesus Hospital or vowed to pious aims as some convents, undid not only the Government that had created the new institutions but these also, though the record thereof could not be hindered to suggest future attempts.

10. The retrograde administration when bringing things back to their former state, considered herself, however, obliged to do something; so she organised the medical studies on November 12th 1834, accepting the capital ideas of the preceding year and which in the progressionist plan were due to the great Mexican physician Peter Escobedo; but as they were unable to pay the Professors and even must deprive them of the Bethlem establishment in order to surrender it to nuns, the Home minister, Antony Romero, declared in his memoir of 1838, that in fact the Medical School had become extinguished.

11. Thus it seems that no reform was able to survive in that epoch and so it happened, indeed, always when no individual initiative came to fecund the Government's: by the want thereof the whole work of 1833 came to fall and only in the few things the individual effort intrusted itself with, a sort of resistance to decomposition was to be seen, an occult vital power that at length reorganised the institutions and gave them back into the hands of the political authorities. Thus it happened with the Medical School herself whose resurrection was due to her Professors who without any retribution and sometimes without proper premises succeeded in sustaining her under uncountable vicissitudes as long as 1842 when Government once more bestowed thereon a direct attention.

12. The teaching of agriculture was not so lucky although about the same time the philanthropist Presbyter Michael Leander Guerra bequeathed 90,000 pesos that an adequate practical school might be founded at Lagos. Unfortunately the bishop of Guadalajara objected and so did in 1843 the upper clergy, allowing only to set up with the same capital a secondary school, subsisting up to this day in that same town of Lagos.

In exchange, fortune favoured another institution equally fecunded by private initiative: the Society for Geography and Statistics chanced to establish lectures as early as 1834 and organised some of the first Mexican labours in the matters concerning their institute.

13. The Military College also owed its definitive settlement to private persons: having been decreed in 1833 it became constituted only in 1836 through the individual exertion of general Peter Garcia Conde to whom the geography of the Republic is so much indebted, and concentrated the courses of Drawing, Mathematics, Physics and Tactics that had been disseminated, and since 1838 there were taught there also Mechanics, Astronomy, Geodesy, Fortification, Strategy and Castrametation; but it is instructive to remark that abandoned to the sole official impulse, the School for sergeants in 1835 and another of Application for the practice of the ex-pupils of the Military College, could not thrive although that of Application was projected innumerable times and that of sergeants was considered to be a Normal School for soldiers and it was disposed it should receive individuals selected in the bodies and destined to bring them knowledge of reading and writing, rudiments of arithmetic and the first notions of Tactics.

14. Now, summing up the external history of education from 1821 to 1843 we may affirm that Government, except in very rare cases limited itself to destroy what was most decayed, to set up works of which only those subsisted that were fecunded by individual initiative and to devise reforms it exposed with more or less brilliancy.

Alike was the fate of education in the States: the institutions founded in the colonial epoch sustained themselves because they had their own funds; private persons constituted new nurseries, as, in 1826, the Guadalupan Josephine College, at San Luis Potosí, owing to private subscriptions and to the philanthropist Ildephonsus Diaz de Leon, and on the other hand, they devoted spontaneous and gratuitous work to the official institutions giving them thus more life as it happened with the Jerez Institute transferred in 1837 to Zacatecas.



Mexico.—Hall for acts in the National Preparatory School formerly St. Ildephonsus College

CHAPTER VI

ATTEMPTS AT REORGANISATION FROM 1836 TO 1845

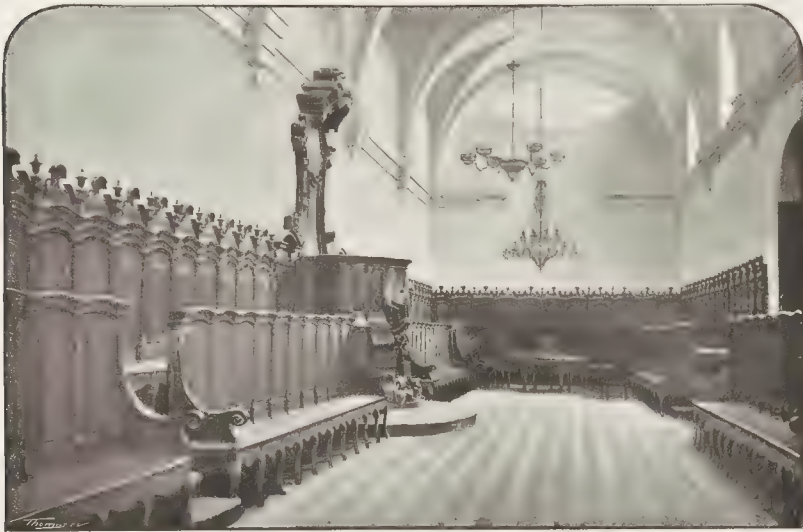
SEVERAL dispositions seemed destined to rouse education from its lethargy after the retrocession in 1834; the centralist government provided, in 1836, that the department Boards in the States should establish schools in all villages and on October 26th 1842 the Lancasterian Company at Mexico was erected into Directory general of primary Instruction for the whole Republic; however, nothing of all this had practical consequences because the department Boards never possessed resources or stability and the Lancasterian Company was lacking elements.

The government of Santa Anna and his representatives thus stood before the same situation, in 1843, in which the men of 1821 had been, salvo two modifications: the greater weakness of the old institutions through the chronic revolutionary convulsion and the more resolute mind of the rulers who like Santa Anna himself felt urged to encroach upon everything.

The result was a series of prescriptions issued by Government on August 18th 1843 forming a general scheme of public instruction and on November 8th of the same year they decreed the nationalisation of all the colleges receiving a subsidy from Government whose hegemony became thus consecrated.

In virtue of the said plan and of the respective laws still obeying Alaman's ideas, but disregarding several of the aspirations consigned in the law of 1833, they instituted, besides the Directory general of primary Instruction, a Board of directors of higher Instruction, also for the whole country, being an institution of a centralist government.

2. The Lancasterian Company spread mutual teaching, founded new gratuitous schools, urged the town councils to support every one of them at least one school and obtained from government a decree imposing, on behalf of teaching, an annual tax on every father of a family; but all this was, from the beginning, in jeopardy through the want of an adequate organisation for the collection of the tax, odious because it was a personal one, through the difficulty of communication in the country and the fact that the centralist system of government was unable to subsist against the exertions of individualism. The Lancasterian Company's system was introduced into the twenty one schools sustained, in 1843, by convents of monks, attending 2,012 pupils, nearly half of them in the department of Mexico and the remaining ones especially in Jalisco, Michoacan and Chiapas; it was also adopted in the fifty seven nunneries where education was imparted to 990 girls and spread into the 1,289 schools of whose existence the Home



Puebla.—Hall for acts in Holy Spirit College

secretary was aware, having about 58,000 pupils of whom nearly 45,000 belonged to the department of Mexico; however, the Company was unable to conduct things efficaciously, since, for the maintenance of those schools, she could hardly reckon upon more than 127,000 pesos a year.

Nevertheless, recording that in 1794 there were only ten official primary schools whereas in 1843 there were 1,310 (twenty one sustained by convents) according to the statement of minister Emmanuel Baranda who thought there was a three times greater number not registered in statistics, a great progress is to be noted partly attributable to private initiative multiplying the schools utilised almost exclusively by the children of well-to-do families and supported by them by means of retributions.

That progress was insufficient for a population of 7,000,000 of inhabitants, for even admitting 240,000 pupils, four times more than the 60,000 registered by the statistics, were sent to school, there remained at least one million lacking instruction.

This situation became worse by its instability: the decree making the Lancasterian Company Directory-general of Primary Instruction was derogated in 1845 whereby many of the schools suffered greatly; the four for girls that in the town of Mexico depended on the Company and before had belonged to the

town, became once more dependent on the same; but this, not receiving a penny of the 8,000 pesos a year allowed for public instruction in 1831, it reduced to three the number of the schools and hardly paid their teachers.

The Company collecting but their quota and 300 pesos a month, produce of a tax established on their behalf, was also languishing and as a consequence thereof, in 1846, the capital of the Republic scarcely sustained seven schools: two for about 500 boys, two for 330 girls, one for men and another for women in the ex-Acordada jail and one for adults.

3. If the plan of 1843 failed to be successful for primary instruction it left nearly in *statu quo* the secondary and professional institutions fostering them solely with the scanty resources of government and the not very daring will of the rulers: thus there remained subsisting the schools of the colonial epoch, at once primary, secondary and superior, like St. John of Lateran's and St. Gregory's; there were also subsisting without any perceptible modification the preparatory studies for lawyers and priests with two years of Latin grammar, divided into semesters: minims and minors, middles and majors, and two or three years of Philosophy; Latin grammar was studied after the text in verses by Iriarte or after the utterly old Nebrija; Philosophy often after Jaquier's most backward work, including as before Morals, Logic and Metaphysics in the first year and rudimentary courses of Physics and Mathematics in the second, but always reduced to the ancient scholastic disquisitions. However, in some establishments, like St. Gregory's loose third course of Philosophy was created, composed of political Economy, Cosmography and Geography; and on the other hand, besides the classes of French that since long had been linking the youthful souls of the Mexicans with those of the country most cleverly vulgarising science, rudimentary classes of English were instituted at St. Gregory's while, under the name of Humanity Academies, deficient studies of History were established, being remarkable among them that intrusted to Joseph Maria Lacunza at St. John of Lateran's.

With such a preparation, in its capital part the same as in past centuries, without a study of Chemistry, Botany and Zoology, the pupils at St. Ildephonsus's, St. John of Lateran's and St. Gregory's, as also those of the analogous and less well endowed establishments of the country which never lacked classes of Latinity and often taught deductive Logic and Metaphysics, were allowed to go ahead studying Jurisprudence and Theology either at the three afore mentioned Colleges or at the ten Conciliar Seminaries established, with more than 900 pupils, in the episcopal towns of Mexico, Morelia, Guadalajara, Sonora, Durango, Monterrey, Yucatan, Chiapas, Oaxaca and Puebla.

Jurisprudence was also studied in establishments sustained by the local governments and in part by private means, such as the Purisima Concepcion College at Guanajuato, the Guadalupano Josefino at San Luis Potosí, St. Ignatius and St. Francis Xavier's at Querétaro, Our Lady of Guadalupe's at Orizaba, the Literary Institute at Zacatecas, the Science Institute at Oaxaca and the Guadalajara and Chiapas Universities, thus forming a total of twenty two, religious or official ones, the teaching attaining greater perfection at Guadalajara and Puebla; but above all at Mexico where the laws of 1843 added some improvements to what there was of old, for while the courses of Civil and Canonical Law, often in one sole class, continued being studied either according to the texts of Vinnius and Heineccius or with the help of Spanish books and while practice was pursued with a jurisconsult and at the academies of juridical procedures established years ago by the most meritorious National College of Barristers, instead of the assistance at the classes of Civil and Public Law at the Universities, the chairs established before with less extension in a few centres were developping in order to cultivate the so called Natural, International and Public Law. However, the best schools scarcely taught the most indispensable disciplines: St. John of Lateran only two years and St. Ildephonsus three; at St. Gregory's the courses were distributed over four years: in the first Natural and International Law; in the second Public Law, Principles of Legislation and Roman Law; in the third Civil and Canon Law, and Civil and Penal Law in the fourth; the same as in former epochs, passing from the general and abstract to the special and concrete matters.

In its turn the official Theological instruction also procured to become more complete; but the Semi-

naries pursued teaching as before the relative and juridical Sciences, preceded by the same courses of Latin and Philosophy, so that, without the extension of the studies introduced into some nurseries and in exchange keeping the courses of Theology and Metaphysics, they continued placing the dogma above all things, whereas the lawyers tended to give reasoning the highest place.

4. The improvements introduced into the teaching of Medicine also implied none altering the former organisation; but they got it out of the governments carelessness that had caused it to be reduced to «a few courses at University where little or nothing was learned and the practice in the hospitals which was all that was of service to form a physician;» so that only the individual effort of several philanthropic doctors made Medicine continue flourishing in the Republic.

The law of 1843 kept up, in the essential part, the former plan conserving the study of Anatomy and Physiology to know the system and its functions; of Medical and Surgical Pathology and Clinic to study disease theoretically and practically; Hygiene, Therapeutics, Pharmacy, Materia medica, Operative Medicine and Obstetrics, teaching how to preserve health or to recover it, and Forensic Medicine to aid the jurists that required the lights of Medicine; but moreover it established as preparatory subjects besides those prescribed for the lawyers, Medical Physics and Chemistry, formerly implied in the course of Philosophy, but still did not include either Botany or Zoology as independent studies.

It was also provided Medical teaching should be made at St. Ildephonsus College without suppressing any of its former disciplines and the classes were endowed with a Physical and a Chemical laboratory in order to teach experimentally the sciences that formerly, except in rare cases, had been studied only theoretically.

Improvements were introduced also into the Medical teaching at Guadalajara and Puebla that possessed a Botany class not existing at Mexico, although they lacked courses of secondary importance; in exchange, they suppressed the rudimentary teaching at Guanajuato and Zacatecas that created a halfscience more harmful than complete ignorance.

5. In the sacerdotal profession the theological spirit was dominant, in the forensic the metaphysical, in the medical empirisms rarely forming laws but tending towards a scientific method; that of the engineers showed a more scientific tendency ever since its foundation.

The new laws conserved the character at once preparatory and professional of the Mining College, but they ordered it to impart instruction not only of Mathematics, Cosmography, Physics and Chemistry, French and Drawing, but also of Botany, Zoology, Ideology, Logic, Castilian grammar, English and German; for History, however, there was no room then.

On the other hand, the College, besides its own funds, got the assignement of the produce of a tax



Peter Escobedo

on mercury and so it became easy to improve the professions of the miner and the assayer and smelter of metals, adding to their old plan studies of mechanics applied to Mining, analysis in the laboratory, Mineralogy, Working of mines, Geology, Geodesy and Uranography.

The rudimentary classes of Mineralogy held at the Purísima Concepción College at Guanajuato were preserved, but another complete college for engineers was not yet established because at that epoch there was no need thereof.

Thus the laws of 1843 did nothing more than accentuate the good conditions characteristic of the Mining College, since its foundation so well carried through by men like Elhuyar, Del Río and Velázquez de León and so much extolled by Humboldt; but in order to improve those conditions they bought physical and chemical apparatus whereby there existed then three establishments endowed with regular cabinets: the Mining College, the Medical College and the principal College of Guanajuato then famous for its instruments.

6. The decrees of 1843 were more efficient on behalf of the Academy of Fine Arts that for years had been in an agonic state since Treasury owed it more than 400,000 pesos.

In order to attain the wished for effects they not only sent to Europe some young men who seemed to possess aptitudes, but, above all, they yielded the Academy the produce of St. Charles lottery through which the Academy began to flourish and in 1844 it was able to send 25,000 pesos to Europe to bring over three professors of Painting, Sculpture and Engraving who infused that wasted organism rich blood.

The old plan was not substantially altered and therefore the progress of the Academy was dependent solely on its well chosen professors and on its unexpected wealth wisely managed by its lottery Board.

Thus it appears that the laws of 1843 only vigorised the old institutions, but did not create like the law of 1833 a special Preparatory School; moreover, in spite of the laudable enthusiasm of the minister for public instruction, Emmanuel Baranda, the soul of these improvements, the decrepit University of Mexico was not destroyed, whereas the «Colegio Mayor de Santos» disappeared by want of adequate men for the Institute; but this could not hinder the bad conditions of the University to go on getting worse; if in the preceding centuries it had been able to serve as a crowning for at least some teachings of Theology, Law and Medicine, in the XIXth it did no more than add useless and incomplete lectures on Jurisprudence, Medicine, Religion and secondary matters to analogous classes of other schools and surround its chairs and academic degrees with ceremonies soon considered ridiculous not only for their vain and pompous formalisms but because they often covered merely verbal knowledge, sheer dialectical abilities extending a brilliant and sonorous tinsel and bombastic titles over a hollow void of learning.

It was in vain some illustrious men like the eminent lawyer Emmanuel de la Peña y Peña, raised their voice in the degenerating University expounding the noble art whose aim it is to procure, that every body gets his own; that vicious organisation went on dropping into discredit.

Emmanuel Baranda was aware of these circumstances aggravated by the fact that the classes at the University were often wholly wanting of connexion with one another and therefore, to be sure, he abolished the obligation to frequent its courses in order to obtain a professional title, the assistance at the lectures being voluntary for those who wished to have a University degree; thus he suppressed it morally rendering its uselessness manifest, although it was no more a secret for anybody and for this reason, in the following years, the Universities, at well those of Mexico and Guadalajara as that of Chiapas, were but insignificant spectacles.

In order to set a norm for the secondary and professional institutions that subsisted, the decree of 1843, as I have stated before, constituted a Board composed by the heads of the respective colleges of the capital and by persons designated for that purpose; that Board reckoned not only on the funds of the upper schools, but on the produce of a tax of 6 per 100 on cross successions analogous to those which successfully had been imposed, on behalf of instruction, by Guanajuato and Zacatecas, since the first Mexican Federacy.

It was made incumbent on that Board to study schemes of regulations for schools, to enter into re-

lations with similar Boards of other countries, to appoint text-books and to tender the Secretary for Instruction an annual report. Approximately there were then forty secondary and upper schools with 6,018 pupils, 1,316 of them being intern; most of those schools, as I stated, were devoted to Jurisprudence and Theology; three to Medicine, two to Mining Engineers, and St. Charles Academy and St. John Baptist College, at Guadalajara, to Fine Arts.

The Board purposed opening an Upper School in every Department of the Republic; but to hinder its successfulness there concurred the dissimilarity of the specialties of the composing members, the want of retribution for their work, and, above all, the lack of pecuniary resources and the instability of the political organisation; the tax on inheritances never was collected in many parts of the country, through the weakness of government, as Minister Lafragua acknowledges in his Report of the Secretary of Relations, tendered at the end of 1846; the Departments were not long in becoming once more independent States, owing to the political convulsions, so that it was no more possible to do something in the same; and in the capital of the country almost the old schools alone could prevail still reckoning on their own funds and the Academy of Fine Arts owing to St. Charles lottery.

The remaining establishments like the schemed National Library never were inaugurated and the already existing ones that were to subsist owed their lives to private enterprise: the Professors of the Medical School, in the said year 1846 scarcely received the fourth part of their monthly appointments, so that if their teaching subsisted, it was through the Professors' disinterestedness, love for science and patriotism; some of them, as for instance the learned chemist Leopold Rio de la Loza, paid out of their own pocket the indispensable instruments and substances.



Mexico.—Court yards of Jesús Hospital

7. Notwithstanding, Government endeavoured to form other educational institutions: a decree of November 15th 1841 had founded a Board of Directory general of Industry charged to further Mining, Agriculture, Arts and Commerce and in 1843 it was intrusted with the organisation of the Agricultural School established not long before when on individual initiative a group presided over by Licentiate Joseph Urban Fonseca and protected by the society called «The Mexican Athenæum» founded the first chairs of Agriculture on the grounds of the «Olivar del Conde» (the Count's olive-yard).

The managing Board of the National Industry, a short time after its constitution, received the commission to organise a School for Arts and Trades; but in spite of the fact that the respective decree, of October 2nd 1843, solicitously procured material resources to be granted the pupils and the new institutions to be endowed with their own funds, disorder and penury were the cause that only a contract was stipulated to acquire, at the Northwest of the town of Mexico the Ascension estate and St. Hyacinth convent dedicated to the said schools and that liberal prescriptions were devised; professors certainly were appointed but they hardly began to do service.

8. In 1841, there had been created also a Mercantile Board of Encouragement with the aim to pro-

mote the diffusion of commercial knowledge. To this purpose the Board published several papers and on October 6th 1845 it opened at Mexico a Mercantile School with a more extensive plan than that set up a few years sooner at the Veracruz Institute; for there were from the beginning classes of Calligraphy, Commercial Geography, Mercantile Arithmetic, Book-keeping and the most important languages; however, although the sustenance of the school scarcely cost 5,000 pesos a year, so great was the lack of resources that the Board, in their information of November 13th 1846, foreshowed the necessity to close the school.

9. Thus, albeit the efforts made in 1841 and 1842 and concentrated in 1843 might cause the illusion that instruction was going to steer a course of progress, only attempts continued being made to raise new institutions among which the School for Commerce was the only one that acquired momentarily some life, its expenses being small.

One effect, however, was achieved: Government contrived to proclaim, without any protest, its headship over the old institutions; and although these did nothing more than accentuate their own conditions, in particular matters they were obliged to improve either through the creation of new classes, or through the moral suppression of the University of Mexico, or, like the Mining and St. Charles Schools, through an increase of resources; notwithstanding, there not being an intrinsic modification, their effects on the pupils must needs be analogous with those of the preceding century.



Mexico.—Former view of St. Ildephonsus College

CHAPTER VII

EDUCATION DUE TO INDIVIDUAL EXERTION

FROM 1843 TILL 1854

THE struggle between privileged and no privileged people which as I stated could only end with the annihilation of the former by the loss of their prerogatives, must needs maintain a state of anarchy developed from time to time by the periodical explosion of the individualist tendencies formed by the same unbending desire for command of the discoverers, the conquerors, the missionaries of the XVIth century. The centralist government of 1843 could not prevail because it left the privileges and the hopes of the ambitious upright and therefore it fell down in 1846 dragging along several of its improvements.

A profound division then vexed the country through the unchaining of incongruous individualist efforts and brought about the victory of the United States of America in the struggle they sustained with Mexico in order to possess themselves of Texas that wished to sunder from our Republic in virtue of the centrifugal tendency that developed in the Mexicans whenever they lacked a leader imposing them his will.

The triumphal march of the Northern armies through the Septentrion and Orient of the country intermingled with heroic peripeties caused, by the fright of the rout, the suspension of the educational institutions and made arise, in a great many Mexicans, dimly or clearly, the idea that the disasters undergone were due to our political incoherence, whereas the triumphs of the foreigners were attributable to the fact that their great individualist efforts contained no anarchic element. Thus the iniquitous war of 1847 was painfully and roughly educating: it revealed the thinkers the secret of the overwhelming

strength that had made out of the poor colonies founded by the May-flower pilgrims the people that conquered that which formerly could be called the greatest of America.

The old currents of latin education were then overflowed by a current of Saxon education facilitating the triumph of the institutions of a frankly practical character, for they acquired the certainty that it was that character and the full republican discipline which together with the suppression of all privileges produced the progress of the Anglo-Americans.

Their fulminant invasion, the fact that the best of our pages in that epoch was written at Chapultepec with children's blood, the dismemberment of the territory consequent to the triumph of the enemies, were looked at then by the true patriots as cruel lessons and roused the wish to obtain equality for all.

In consequence the painful intellectual labour induced in the Mexican minds by the defeat may be considered fruitful; and as the Nation only lost the territory that never had been quite linked with her, for there were almost no identical traditions nor equal population nor the same ideals and it was utterly difficult to arrive there roads being wanting and towns far off, the loss did not materially weaken the country; even it was a gain, enabling the country to constitute one whole fatherland rendering less arduous her union for the realisation of her destinies.

This fact explains why educational institutions founded before the struggle, became immediately flourishing.

2. One there was among all, pure and meritorious, recording the very best times of evangelisation, and having its origin in private enterprise as all the best things in Mexico before 1867: the governments ever since the arrival of the conquerors had founded almost exclusively caducous institutions like the University, or exceptionally vital ones, by the aid of private persons, like St. Charles Academy; whereas it is to private initiative we owe the great colleges that have subsisted for centuries, the conservation of the Schools of Medicine and Fine Arts, numerous elementary schools and the Lancasterian Company which under the perpetual demolition of authorities and while the laws but just issued were derogated, passed through the storm of the revolutions. By private initiative we may say we have got civilisation and if the governments at length furthered the schools it was because they had before harmed them taking away their capitals and in exchange for that assault they must offer them an often illusory help.

Private enterprise set up, in 1840, a new group of institutions sealed with the noblest disinterestedness: there was then at Mexico a strenuous proletarian, Vidal Alcocer, an old combatant for Independence, an humble functionary, an obscure artisan, who living amid the people understood their miseries and shortcomings, felt that the germ of all misdemeanours lies in the abandonment, saw there was a multitude of abandoned people, the lowest class of mestizoes; that their children had no bread, that wallowing from the cradle to the crossways amid unknown faces and shut up fists, they could only live by begging to obtain the food given to parasites or defiling their incipient minds.

And he, scarcely having a livelihood, resolved to give some to the vagrants unable to enter the few existing schools where they would not satiate their hunger; and he who also lacked instruction undertook to bestow it plentifully on the new Helots.

He realised the wonder: like the rich philanthropists he did not bequeathe without toiling millions of money to found palaces with superb schools; «he wept over the wretchedness and founded it with his tears;» he went his way to the most desolate quarter, that of the Palm where the worst criminals are said to have lived; he called the disenherited like himself and on October 6th 1846 he founded the «Society of beneficence for the education and protection of uncared for childhood» which lacking resources, resolved to create some by dint of supplications and abnegations, never shrinking before closed doors and hard hearts although their hands became sore with knocking.

Thus he created them and then he opened small schools where the children clad in rags received the old and humble indigenous food made of maize and water, the *atole*, whereafter the colourless lips would smile, the extinguished eyes glare and the naked walls shine with the soft light of science that invaded the naked brains like a morning dawn.

Heroic Alcocer abandoned for a moment his endeavours in order to fight against the invaders of 1847 in his quality of a sergeant; but after his return he once more vowed himself to the achievement of his noble aspirations, so that whilst in 1851 the town-council of Mexico and the Lancasterian Society scarcely sustained each of them four schools in the capital of the country, the Society of Beneficence, in 1852, supported twenty, in fourteen districts, with four thousand pupils; not satisfied with this success indefatigable Alcocer addressed Government with an eloquent cry of faith, hope and charity and obtained being helped with small resources and authorised to set up a lottery in order to gather larger means.

3. By their own individual initiative other virtuous persons founded gratuitous schools in sundry



Mexico.—Court-yard of the present School of Commerce

places bequeathing funds for them; the same was done by various societies; there were also private schools requesting a retribution from the pupils. Thus the Government's work continued, until after 1867, being inferior to individual enterprise and on January 2nd 1851 the Report of the minister of Relations must state that out of 122 elementary schools in the town of Mexico frequented by 7,636 pupils, only four with 488 scholars belonged to Government and two with 150 learners were of the convents; the remaining 116, with 6,955 pupils, were of private initiative, although a few of them, as for instance the four of the Lancasterian Society, received small subsidies from Government.

In other parts of the country the disproportion between individual and authority work was not so great, but everywhere the former was prevalent: the Guanajuato statistics show that in the same year 1851 there were 76 official schools there in front of 109 private ones.

Besides, it was not only by their number that the latter excelled: they were better attended, for al-

though their teachers had no titles, they could devote themselves to their work because they were paid with a regularity unknown by the authorities that stood in perpetual bankruptcy; so they were able to extend their teaching over Geometry, Geography and History, and even the French language and other matters.

4. Private initiative also saved a considerable part of secondary instruction and I have already stated how Professors of the Medical School, in spite of the want of retribution, sustained the same with their own resources; the discord existing between their alumni and those of St. Ildephonsus obliged them to take their refuge to St. John of Lateran; but there not being there a room for dissections nor for a chemical laboratory, they sought an asylum in a part of St. Hippolytus hospital which they obtained from Government in exchange of the cession of 40,000 pesos Government owed them as salaries; and not being settled there satisfactorily, they transferred their school in 1854 to the buildings of the former Inquisition also acquired in part with the resources of the professors; they still continue there now.

Private initiative was also efficient elsewhere in the country: in few places with so much love and perseverance as at Monterrey where for more than twenty years, since 1835, the energetic Dr. Joseph Eleutherus Gonzalez by himself formed pharmacutists, physicians and obstetricians in conformity with the plan obtaining at the Mexico School.

At Guadalajara, Emmanuel Lopez Cotilla, surveyor of Public Instruction in 1835, found only three municipal schools, but he contrived to multiply them, introducing new methods, never dismayed in decades of years and in 1851 he initiated the foundation of a Normal School of teachers.

In the State of Mexico the unforgotten Philip Sanchez Solis, a son of humble natives, devoted himself to the regeneration of the class to which he belonged by birth and poured new life into the Scientific and Literary Institute of Toluca, being its director during many years since it was reorganised about 1847; then through the initiative of egregious Ignatius Ramirez, secretary to Francis M. de Olayguibel, governor of the State, a law provided that every Municipality at its own expenses, should send to the Institute, in order to continue his studies, one poor indigenous pupil chosen by competition: one of those who owed that law their secondary education was the great literate Ignatius M. Altamirano and for him as for the other students Sanchez Solis had always a paternal solicitude; when the circumstances of the Treasury were more agonising he called at the houses collecting money in order that the pupils might not lack their food or the Professors their fees and he lived so much given up to instruction that he spent all his time in the Institute transforming his work into a charity like many of the Mexican educators, for he lodged, dressed and fed in his house the poorest of the children buying their books for them and giving them particular lectures.

5. Whilst philanthropy was rousing apostles of instruction, progress made itself felt, in the town of Mexico, in the cultivation of fine arts: scarcely a year after the struggle with the United States, St. Charles Academy, thriving through the lottery funds cleverly managed by Echeverria, Teran and Casa-Flores, inaugurated her first artistic exhibition; in order to further it, she established, in 1850, a subscription whose prizes were pictures to be raffled and reproductions of others and she not only brought over European Professors, but founded classes of copper Plate engraving, Perspective, rational Mechanics and Application of descriptive Geometry to Stereotomy, delivered at first gratuitously.

The Academy partly emancipated from Government authority, through an initiative and with funds that could be considered independent, since 1850 was paying the edifice it then occupied and is still occupying, endowed the evening classes with gaslight being the first public edifice in the country to employ it: contributed to the expenses of the poor house and rendered Government several times pecuniary help.

6. The other great teaching establishments were also striving for improvement, scarcely succeeding those that still reckoned on funds of their own; by means thereof St. Ildephonsus' set up classes of Drawing, French, English and several of law; St. John of Lateran, converted into barracks during the Anglo-American invasion, established, in 1850, teaching of gymnastics, book-keeping and even carpentry

setting thus a new precedent for a School of Arts and Crafts; St. Gregory happening to possess plenty of funds established classes of typography and gymnastics and also, in 1850, a five years course of Agriculture, inaugurating practical courses, in 1852, on its estate St. Joseph Acolman, while the official School of Agronomy continued paralysed, in spite of Joseph Gomez de la Cortina's attempt at vivifying it by means of the ephemeral decree issued in 1846.

7. However, the progressionists were aware that the agricultural studies at St. Gregory's were not sufficient and in 1853, the distinguished minister of Encouragement, Joachim Velazquez de Leon, aided by his nephew Michael of the same family name, took to consider the law that was to be issued on August 19th of the same year and according to which the School was lodged where it is to-day, on February 22nd 1854 having for alumni those who had begun their studies at St. Gregory College.

Thus, in this case, official initiative advantageously supplied the private one; but the political organisation always lacking stability, the new School suffered innumerable vicissitudes, still demonstrating the inferiority of things established by the governments of that epoch in front of the work of private persons.

8. However, it is but just to acknowledge, regarding the School of Agriculture, that the intervention of Government was beneficial, as it was for Fine Arts and Medicine that owed so much to individual efforts; but, as for the remainder, it was not only deficient but often enough harmful: in 1850 previous censure was decreed of all books to be published and in 1853 the Company of Jesus was reinstated and obtained the retrocession of nearly all the buildings delivered up to teaching establishments formerly managed by the Jesuits with the exception of St. Ildephonsus and those destined for military instruction; then the programs were curtailed and it was provided no teacher would be allowed to open a school unless he had got an ecclesiastical certificate of having successfully undergone an examination in christian doctrine.



Morelia. — Modern view
of the Guadalupe College (private,

CHAPTER VIII

VICISSITUDES OF PUBLIC INSTRUCTION FROM 1855 TO 1867

THE violence of dictator Santa Anna's tyranny in 1854, the multiplication of the hated privileges, the more and more urgently felt necessity to get equal rights and the unconscious suggestion of the Anglo-American democracy, precipitated the political and military movement that broke out in the same year 1854 and in 1855 threw Government over.

Then, while the representatives of the country, freely convoked, were deliberating about the principles according to which the Nation ought to be ruled, the new authorities provisionally organised endeavoured to improve public instruction and the patriot general Comonfort who steered the country and his minister of encouragement, Ignatius Siliceo, improved in 1856 the law regulating the School of Agriculture including in its prescriptions that of constituting a School of Arts and Crafts and eluding the penury of the fisc they inverted large sums in the construction of a spacious building destined for that school on the premises of the Agricultural School; still now, former Professors of the latter remember gratefully the President and his minister coming once a week to visit the establishment and to provide for its needs with solicitous care. Unhappily, as though the evils occasioned by the anarchy were not enough, a fire broke out devouring the furniture of the School of Arts and Crafts but just equipped.

2. Meanwhile the organisation undertaken by the representatives of the people capable of thinking pursued, in spite of the discords suscitated under the name of religion by the favourites of fortune; and, thanks to the eminent statesman Michael Lerdo de Tejada, on June 25th 1856, the first of the Reform laws was issued obliging the corporations to sell their immovable property and thus it diminished the

riches they made so bad a use of, harming the country; whereafter Congress decreed the political Constitution of 1857, an immense work of supreme ideals, looking like a challenge to the backwardness of the bulk of the population, incapable to carry its prescriptions into effect. That Constitution established that all people were to be equal, that the special jurisdiction of the clergy and the army were suppressed; that teaching and the expression of thought, oral and written, were free; that there was an end of all privileges, for industry and commerce, teaching and government; that schools of Arts and Crafts were set up and laborious Mexicans were rewarded; it permitted to bestow honours on them who deserved well of their country or humanity and thus it authorised an aristocracy, that of virtue, and unique privileges, those of honourable work and intelligence.

However, it respected the riches of the corporations that so often had served to keep up unjust material and intellectual privileges and rendered the conquests of right ephemeral; in consequence thereof, the group that by the new laws lost their privileges becoming equal to all others, as it was due, availed themselves of those riches and formulated a terrible protest wherewith the enemies of equality raised against the representatives of the nation, causing the cruel three years war that covered the country with ruins. Notwithstanding, that war was a good because it obliged to enact the law of June 12th 1859 that definitively separated the Church from the State and unarmed the backward group nationalising the properties of the corporations and ordering them to be allotted to private persons for small sums in order to distribute the large dominions of the clergy.

The effects of such measures and of the suppression of the religious orders and brotherhoods as contrary to public morality, were numerous and various: some immediate and others remote; from the first, for instance, the reaction which in 1858 threw the legitimate government out of Mexico and kept it far from the capital until the end of 1860.

The towns and villages passed from one hand to another and all being eager to take advantage of even the smallest resources on behalf of their political cause, it was impossible for them to care for instruction; thus, in 1858 the funest government of the reaction deprived the School of Agriculture of the fund of 859,000 pesos allowed for its expenses; therefore in that epoch almost all the educational institutions led a languid life.

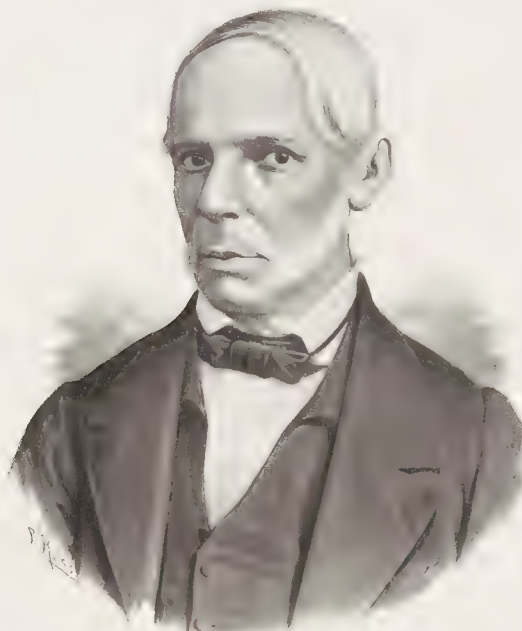
3. Nevertheless, some fervid partisans of progress overcoming the stormy tide of war, founded new institutions, as Dr. Joseph Eleutherus Gonzalez did, contriving in 1859 to found at Monterrey a School of Medicine, similar to that of Mexico, rendering thus official the work which so far he had sustained without any help.

Private initiative never dismayed and although scanty because it had progressively been deprived of its former riches and was intrusted only to the disinherited while the wealthy consecrated all their exertions to defend their privileges, means were found to get on thriving so that the selfless founder of the Society of Beneficence for the education of the unprotected classes continued gathering resources and in the terrible year 1858 sustained thirty three schools frequented by 7,000 children who were taught Reading and Writing, Grammar and Arithmetic, Urbanity, Drawing and Christian doctrine; in the schools for girls, besides manual labour Music was taught and in those for boys workshops for Arts and Crafts were set up and in the central establishment of St. Peter and St. Paul, he supplied his protected with complete nourishment, clothing and shelter, with so much endeavour that his work when he died on November 22nd 1860 was able to subsist further on, animated, among others, by the orator and master Ignatius M. Altamirano who was quite right in saying the schools promoted by eminent Alcoer were like «cisterns of crystalline and wholesome waters dug amid the desert and to which the necessitous rushed thirsty of knowledge and eager to improve their agonising social position by the cultivation of their intelligence.»

At last the moment came when the liberals triumphed and their government was able to dedicate itself to the organisation requested by the country after the suppression of the privileges; then it found the institutions sapped by the political peripeties and saw it was obliged to take charge of them in order to save them achieving their absorption by government.

One of the endangered institutions was St. Ignatius of Loyola College, called the Vizcainas; the lofty group that had defended it even before its foundation not yielding the governments their funds until the last moment when terrified by the law of 1859 destroying the brotherhoods became extinguished, effectuating its last meeting on November 17th 1860 when they learned the triumph of the liberals, not attempting to constitute a mere private grouping as they ought to have done according to the remark of their learned historiographer, Henry de Olavarria y Ferrari.

Fortunately, the minister Melchior Ocampo to whom we owe in great part the Reform laws, contrived to issue, on January 6th 1861, a supreme order declaring the patronage exercised by the king of Spain



Vidal Alcocer

over St. Ignatius College resided in the nation and the properties of the College must not be nationalised because they never had been managed by the clergy and he named at once a governing board that were to manage them «with the same independence as before.»

Thus Government saved the College then beginning to be called of the Peace, but it could not save institutions of the clergy like the Colleges for girls, Bethlem and Charity; however, in 1862, it disposed that their pupils repaired to the College of the Peace where they were admitted and sustained although the increase of funds decreed on its behalf was hardly more than nominal.

4. The same government of president Benedict Juarez created, on April 15th and May 8th, through the minister of Justice, Ignatius Ramirez, a «Directory of funds for Public Instruction,» that should manage the capitals of the large schools fostered with government money or

formerly sustained by the Church, but it left apart those of an exclusively private character like the College of the Peace.

On the same day when by the creation of the Directory of funds for Public Instruction, the political absorption of teaching was consummated, the secretary of that branch, the great literate of a stoic soul, Ignatius Ramirez, in spite of the untired exertions of reaction and the lack of resources, introduced into the Chamber of Deputies a bill of Public Instruction in order to give it broad bases and ample tendencies, to constitute, as had been done in 1833, special schools, preventing useless repetitions of the same studies, and to found a school for the deaf and dumb.

5. Minister Ramirez then definitively closed the University; but the implantation of his other ideas was still hindered by the conservatives who not understanding that the development of religious institutions is insured by the Church not being dependent on the State, imagined that establishing the freedom of the Church the country would be ruined and they preferred depriving her of her independence delivering her up to a foreign government.

During the time spent by them in bringing that government, the authorities were unable to do anything on behalf of instruction, being absorbed by defending their country against such machinations; and therefore the educational institutions only vegetated over their old plans and had to undergo short-comings in their funds because in 1862 and 1863 Government was obliged to spend part of the same for national defence. It is astonishing therefore that it was possible then to found the first astronomical observatory Mexico ever had and which by the initiative of the learned engineer Francis Díaz Covarrubias was set up at Chapultepec, illustrious Jesus Teran being minister of Encouragement.

In spite of all, the French possessed themselves of the town of Mexico in May 1863 and kept the



Mexico.—Court-yard of the National School of Agriculture

same during four years; the same liberal group that had given the country the Constitution of 1857 and the Reform laws had at that epoch men like president Juárez, generals Zaragoza and Díaz and the statesmen Lerdo de Tejada and Ramirez, ingenious enough to triumph over the foreign intervention after bloody struggles.

However, it was but natural that during the said period nothing could be done to further instruction; every town fell alternately into hostile hands and teaching suffered all kinds of decadencies.

The French wanted to do something and indeed their government issued the law of December 27th 1865 reducing the elementary instruction imparted by the municipalities under the surveyal of the ministry of Public Instruction, to reading, writing, grammar, religion and urbanity and deprived it of its traditional gratuitous character, ordering it to be given only the poor without a retribution and fixing for every one of the remaining children a monthly quota of one peso.

The distinguished educationalist Michael F. Martinez, in his «History of elementary instruction in Nuevo Leon,» is quite right in stating that system was ephemeral and enacted only in a part of the country: the weak preceding organisation was much better.

The same law of 1865 disposed that secondary instruction should be imparted during seven or eight years in some establishments of less importance called lyceums and in others of a higher rank denominated colleges; that it should comprehend by the cyclic system: the Castilian, Latin and Greek languages with their respective literatures, History and Geography, Natural History, Physics, Mathematics, Philosophy, Morals, French, English, Drawing, Calligraphy, Tachygraphy, General History of Literature, Technology and Book-keeping.

This plan, in which dissimilar matters were mingled without any order, being taught simultaneously, must needs be superficial not only through this circumstance, but also because no teacher was able to apply it well in view of its heterogeneous elements: it was destined to form absurd pedants and ridiculous encyclopedists.

Luckily it was not carried into effect, for it hardly began to be enacted when the patriots reduced into rubbish the dreamt of empire; but it is worth while to refer how thirty alumni at Monterrey, instead of suspending their medical studies there, since the new law ordered the professional courses to be held only in the capital of the empire, continued them according their former prescriptions, to which purpose they did not go to the Civil College but to the abodes of the professors, so that teachers and pupils carried home their beloved and debated school to save it in the fatal hours and to render it to public life at the moment of triumph.

The semi-extinct School of Commerce, however, received help from the so called Empire that also founded then another institution, rather of beneficence, the School for the deaf and dumb, intrusted to the care of the Municipality of Mexico, at St. Gregory's College; but in return, the invading army occupied in 1863 the School of Agriculture and part of the Peace College, and the astronomical observatory at Chapultepec was destroyed.

As in every crisis, so at that epoch, private enterprise came to supply the official one: private societies and individuals imparted instruction and another society was founded, the «Mexican Philharmonic» to teach music so eagerly diffused before by father Caballero: there the eminent philharmonics met, among them the renowned composer Melesius Morales distinguished himself by his strenuous exertions; but nothing could possibly thrive because of the alarms of the war, the lack of resources and administrative disorder; so minister Antony Martinez de Castro, after the reconquest of Independence, was right in saying in his report of 1868: «When Government arrived at the capital in July of last year, all the colleges were disorganised; the carelessness of the intervention, the false ideas it attempted to implant, and the difficulties of the situation during the first six months of 1867 put an end to all the establishments of secondary instruction and it was rather lucky that some of the elementary schools contrived to maintain themselves.»

The institutions founded with so great a fondness in times gone by, nearly always merely vegetating since before the Independence and submitted now to the laws of 1833, now to those of 1843 or to others, had been subjected to an irremediable fluctuation that seemed to hinder the production of any result.

However, in spite of all, outcome thereof were the organisers of the country and the founders of the present educational system: it is important, therefore, to study not so much the matters they taught or the vicissitudes they suffered, as the mental discipline they had imposed.



Cuernavaca.—Infant school (present epoch)

CHAPTER IX

SOCIAL EFFECTS OF THE EDUCATIONAL INSTITUTIONS FROM 1821 UNTIL 1867

WHEN rendering an account of the effect caused by the educational institutions from 1821 to 1867 it behooves to state there was almost none regarding the indigenes: relegated to the foot of the social edifice, in the fields and mountains, they might have progressed only if the educational institutions had gone to them; but there not being easy means of communication the *cordilleras* cutting the country into numerous fragments; the elementary schools being very few in number, especially in the small villages, and very often supported by private persons taking at their charge paying the teachers, the indigenes were not civilised but exceptionally; many, however, entered the rows of the mixed classes having come to render humble services in the towns and their descendents made their ingress into new ranks; others were incorporated in the armies and educated there in a brutal manner; but a large number perished in the battles displaying a stoic and sometimes sublime resistance that in the combats, on the marches and through the fastings evidenced the supreme qualities acquired since the times of the rude Aztec education.

At any rate, seeing during several generations men pursuing the sustainers of religion and noting that at last they triumphed, that the convents became void and that many temples were sacked and others

were destined to new uses, they must experiment a sapping in the opacity of their minds, howsoever refractory they were to evolution: their divinities continued upright, but their altars were kept up only by tradition and this is, doubtlessly, the cause why in many indigenes a light whiff is enough to overthrow their gods.

Such an effect, however, was not caused by any institutions; it was the working of the struggle itself, of the violent strife of one social group breaking down another in face of a third whom it obliges for moments to take a mechanical part in the contention.

2. But if the schools did not produce any remarkable result on the indigenes, it was not the same with the ancient creoles and the upper mestizoes: however, such was the confusion of hardly sketched organisations and embryonic governments that there is an irremediable tendency to imagine public instruction dated but from 1867, although it was not so.

3. The schools existing before that date may be classed into four groups: the elementary supported in their absolute majority by private persons and hardly a few by the governments or by the clergy, secular or regular; the seminaries where scarcely anything more than theology was taught, under ecclesiastical direction; the theology and law schools of all the towns of the country which, subject to the old plans and with funds of private origin, were nearly always managed by laymen and became more and more absorbed by government; and, finally, the very few establishments where likewise individual exertion was prevailing, vowed to special studies.

The elementary schools generally taught few matters with the worst methods and bad teachers so that they scarcely initiated civilisation; that which commonly was considered a model, St. Gregory's of the first rudiments, during a long time imparted no other knowledge than reading, writing, Castilian grammar, arithmetics and religion, after the text of father Ripalda, and sacred history according to Fleury's primer; geometry, geography, rudiments of physical and natural science and history were wanting; but often the plan was still further reduced for the out pupils.

Several private schools reached a higher level and for short periods also that of various gratuitous schools rose; but, above all, in the small villages they were in most unhappy conditions and besides being too scanty in number, they used deplorable method. With the exception of Chiapas where many years before procedures ingeniously devised by father Victor Maria Flores had been established to teach reading, in the remainder of the country they learned by the antiquated primers improved only partly by the renowned Nicholas Garcia de San Vicente; but always letter by letter and forgetting their name when uniting them into meaningless syllables forming words without connexion; grammar, arithmetics and religion were learned in books of questions and answers of an almost puerile conventionalism and writing was taught asunder from reading; thus, elementary instruction had scarcely made an advance over the previous centuries, and this assert is confirmed by the system of punishments employed: the ferule to slap the hands of the lazy, the kneeling down with the arms stretched out and holding leaden weights in the hands, the traditional donkey ears whilst the pupils repeated their lessons noisily aloud waiting for the teacher's ruling their paper as in olden times.

The teachers could not but be routinists: their scanty retributions, often unpaid, made their life intolerable and their future so wretched that only the least apt of them consecrated themselves to their task. They were always weak and awkward, but they set the ignorant on the high way and caused men like Juarez, Altamirano or Sanchez Solis to attempt to see a brighter light at other schools.

4. Sundry of their pupils went to the Seminaries and there they shut themselves up in the dogmatism of their creeds or they were in analogous condition as those who studied theology or jurisprudence at the great secondary schools; the former were, as a rule, of little worth and sharing the posts of the Church led it to the decadency pointed out by the minister of Justice, Joseph Urban Fonseca in his Report of 1852 where he said: «The secular clergy is far from possessing the science, doctrine and virtues proper to their ministry;» the regular one «regarding both customs and science is in a still more lamentable state.»

5. But if the clergy, not wanting to leave its apriorisms, relegated the seminaries to the last rank, there subsisted nevertheless among them and the great establishments teaching theology and jurisprudence, the same resemblance that always existed be they organised by liberals or conservatives and suppressing or not determined classes. That likeness, invariable up to 1867, was the order by which matters were taught and which explains in part our history from before the Independence, for, as John Stuart Mill says, social phenomena are governed by psychic factors; always the preparatory courses were studied first and then the professional ones: the preparatory ones comprising a course of Latin learned by heart and one of philosophy beginning with the apriorisms of exclusive syllogistic logic and with the vast cons-



Querétaro. Garden of the Civil College (present state)

tructions, also a priori, of idealogy and metaphysics and continued with shallow studies in mathematics, cosmography, physics and geography by order of decreasing generality.

In their turn, the professional studies of law commenced with the dogmatic part, the most concrete expression of justice: the Roman law which they commented by the vast conceptions of social morals called Natural and International law or they began with these and prosecuted with the said Roman law; sometimes they included also the chaotic national civil and penal law at the close of the courses.

Such teachings were altered or disappeared in part through the political convulsions; they were forgotten or left unheeded by the alumni, were fuller at one school than at another, but agreed in their method of mental work, always offering brains that had got only mechanical teachings of elementary instruction and Latin general conceptions which, regarding philosophy, raised to the summit of creation man formed by a special exertion of the divinity that by the cultivation of reason he might rise to be the king of the Universe; and regarding law, they set as the apex of all aspirations ideal justice that ought to be imposed everywhere, as it had been imposed upon that iron people, model of character, the

Romans. Now, reason and justice being thus raised to the summit of thought and showing as the means to discover truth Descartes's method consisting in deriving all out of reason by dint of deductions and cultivating this method during youth when the intellectual habits are acquired and rooted, the pupils acquired the indestructible custom of resolving all questions by sheer dialectics and considering justice the unique criterion.

Thus an irresistible tendency was created systematically to consider over the most arduous social problems, not minding the particulars characterising them and heeding only the bulk; thus an irremediable inclination was produced to resolve those problems by formulæ, shutting the nation up in a gigantic circle; and this was the cause that the difficulty of the resolutions was not, and could not be, understood and people did not realise the impossibility to carry them into effect amid that social state.

Owing to the mental discipline of the colleges, to the impossibility for the mind to become aware of the material conditions of society and to the reign of the boarding school system that loosened the family bonds while forming artificial societies where the national life was conceived only by vague abstractions, the intrepidity was produced with which the organisers undertook their enterprise, the loftiness of aims and the disdain for the real conditions of the country; so they shaped the mould in which they meant to frame government and fatherland after their ideals and as the conservatives disturbed their aims they struggled rudely with them issuing at length the partly utopical Constitution of 1857 and the Reform laws.

6. The education producing that effect existed from before the Independence this being in part a result thereof; but it became confirmed among the young men who after living together in the boarding schools, united in literary societies and partly in masonic ones like that of the Mexican rite, most constantly inspired by the ideal of liberty and justice.

They who thus felt themselves united and sure that by implanting their ideals they wrought the welfare of their country, compared reality with those ideals and finding it disfigured, resolved to struggle against it; the two opposite groups being characterised by their tendencies as that which continued the work of Independence to obtain liberties and that which continued the domination in order to preserve monopolies; both displayed their aims in pamphlets and newspapers that by eloquent, often virulent, leaders accentuated the collective conscience of each group rendering their readers uncompromising, where on one side you could read *clericalism* and on the other *jacobinism*.

The liberal triumph of 1833, immediately rendered nugatory by reaction, was renewed almost definitively in 1857 especially owing to the lawyers, men of deductive minds who endeavoured to establish ideal justice proclaiming their liberties as well for the whole country as for its divers constituent parts.

7. There is no doubt that to produce that result influence was exercised both by the ideas of the French encyclopedists inflaming the aspirations and by the conceptions of the Anglo-Americans; not so much because their books were plenteously read in Mexico—racial predispositions and the difficulties of the language were obstacles therefore—but by their most rapid progress and by their triumph over Mexico that must needs concentrate the minds as by hipnotism towards their institutions, especially viewed through French books.

The vulgarisation of the rather vague tendencies of the encyclopedists and of the more practical forms of government of the North was promoted not only by the lectures wherein the old Latin currents of beyond the sea were predominant but also by private conversations and the immense daily public conversation of the newspapers that had so eloquent editors as Ignatius Ramirez, Ignatius Altamirano, Francis Zarco; before them, Lewis de la Rosa and others, especially in *El Siglo XIX* and *El Monitor Republicano* as also, somewhat after the Independence, in *El Sol*; however, although this gave an orientation to many ideals, the chief part was due to the reasoning education of New Spain and of the first sixty seven years of the nineteenth century that caused above all things the acceptance of great postulates and by the irresistible succession of the ideas in deductive order, must lead to the supreme conclusions afterwards carried through; thus it is to be explained that men like Joachim Fernandez Lizardi, in their pamphlets of nearly one hundred years ago, reveal, at the side of so much ignorance of determined knowledge, so

much penetration for the conditions of progress as the compulsoriness of elementary instruction is, for instance. Advancing before their time, establishing without sufficient foundations the requisites of the future organisation and divulging them in articles full of errors and of faith, many directors of Mexican thought had the clear-sightedness of genius and owing to the fact that nothing was utopian for them because they overcame all difficulties with the power of their theoretical and deductive constructions, in 1867 they consummated the independence which we may say was but seemingly established in 1821, and allowed the rise of the constructors of if not all, at least the most important portions of the social organism.

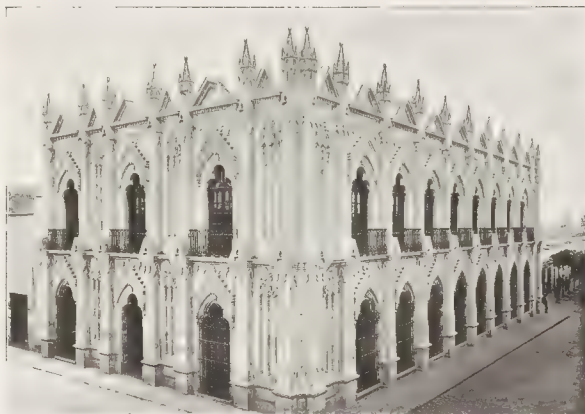
8. The men called to undertake that labour ought to be they who through their education were less prone to construct *a priori*, deducing all from postulates: as a rule, neither lawyers nor theologians could be apt for that task, it ought to be medical men or engineers who in their schools had been accustomed to consider few things admissible unless they came accompanied with their corresponding proofs. Something could be done also by the men bred in the Military College where education had not been established on aprioristic foundations, and therefore to some of those pupils was due in the first decennaries, as it is now, the nascent organisation of the geographical knowledge of Mexico: itineraries, plans and maps less and less imperfect.

It may be noted it were almost never the former pupils of the Military College who became the great generals to whose deeds of arms the important political peripeties of the country were due; those feats, indeed, were chiefly done by liberal leaders who had begun or finished lawyer studies and, fond of justice and full of faith in liberty, rushed to combat for its cause, as was done by Gonzalez Ortega and general Diaz.

9. The immense work of the knights of the ideal, of the lovers of justice even utopian, began to become manifest with the political independence initiated in 1810; their first, though ephemeral, victories were the laws of 1833, their highest laurels the Constitution of 1857 and the Reform laws, their last campaign the intervention and the aim and effect thereof was to annihilate the privileges.

Thus they destroyed the main cause of our revolutions, the want of liberty, that provoked the perpetual rebellion of them who had no rights, leaving subsistent as an origin of wars only ambition which in its turn must disappear when a man of unshakeable prudence and resolution, as at length general Diaz was, settled peace, progressively suppressing the *caziqueships*.

The only serious enemy of the institutions, the conservative party, disappearing with the triumph of 1867, the power of the authorities must increase, and as, on the other hand, the capitalists that had been busy only in defending their privileges were overcome, they withdrew from national life content with gathering the plenteous fruits of their estates and, not founding any more educational institutions, they left the authorities a free field to manage instruction. To bring about this effect the fact cooperated that the pious feelings inducing people to found such institutions entered into a frank regression, chiefly thanks



Jerez (Zacatecas) Municipal School for girls (present state)

to the impalpable and subtle religious indifference insinuated by all kinds of books and pamphlets come over from the Old World.

Thus, while up to 1821 public instruction almost only was imparted by wealthy individual initiative and from 1821 to 1867 was chiefly cared for by individuals of the middle or the proletary classes, like heroic Vidal Alcocer, whereas the capitalists eagerly endeavoured to defend their privileges; in the last period of our history it was mainly to be effectuated by government, more and more powerful, which now did not organise it by means of the apriorists, sons of the metaphysical schools who with their utopian and grand ideals had overcome the strongest energies and constituted the nation upon gigantic and partly irrealisable formulas, but by means of the sons of the scientific schools, the only ones who could promote progress not by revolution but by evolution, not by the efforts Mexico made, up to 1867, and which served so much to make her advance, but by the more secure, more restrained, more reflexive work whose analysis I am now going to sketch.



Querétaro.—Exterior of the Normal School (present state)

CHAPTER X

SCIENTIFIC ORGANISATION OF ELEMENTARY AND PREPARATORY INSTRUCTION IN 1867

WHEN the great president Juárez returned to the capital of the Republic after his triumph over the intervention, he purposed to organise instruction which after the dissolution of the old corporations had remained almost completely in the hands of government and with that intent he named minister of Justice and Public Instruction a man of firm will and open mind, the juriconsult Antony Martínez de Castro, wishing him to create all on the ruins of intervention.

The minister, in his turn, confided the enterprise to the engineer Francis Díaz Covarrubias and to a commission presided over by the same; but eminent Covarrubias contrived to get Dr. Gabinus Barreda named in his stead.

This eminent man was born at Puebla on February 19th 1824 and bred in the capital of the Republic where he studied Law but disdained obtaining the title of a lawyer; at the age of nineteen he studied Medicine, was a defender of his country in 1848, a little later a disciple, at Paris, of ingenious August Comte, an assiduous reader of the positivist library, doctored in medicine at Mexico in 1857, professor of Physics by competition at the Medical School in 1854 and also of Natural History since 1855, a notable member of the Academy of Medicine, a scrupulous publicist, a persuasive orator, a lucky physician; there was no science but he possessed its cardinal bases and he had arranged them all in his mind after the order prescribed by August Comte. In the Commission he was to preside over he found himself accompanied by the learned Francis and Joseph Díaz Covarrubias, Peter Contreras Elizalde, diligent head of the Sec-

tion of Public Instruction in the corresponding Ministry, by whom, when at Paris, he was enabled to assist at Comte's classes; by intelligent Dr. Ignatius Alvarado and the erudite lawyer Eulalius Maria Ortega, all friends, all, except the last through his exclusively juridical education, imbued in the same philosophical creed corroborated by Dr. Barreda's conviction.

2. A work of this remarkable group was the law of December 2nd 1867 embracing the whole instruction from the elementary and preparatory up to superior and creating where nothing existed or radically improving although leaving vestiges of the past.

It prescribes elementary instruction to be compulsory setting down that nobody has a right to be ignorant and thus affirming that capital principle already stated in the Republic but never with equal force and efficaciously. It provoked at once the imitation by the Federal States that by little and little took the same providences; however they lacked a sufficient number of schools and money and personnel, so that their prescriptions, like those of the law of 1867 ordering the town-councils to establish schools and recommending the same to the land-holders on their respective dominions, could be fulfilled only in part; therefore the Lancasterian and other private societies continued doing a most interesting work, although Government, through the ministry of Justice, had four model schools for boys and four for girls, as also one for male and another for female adults organised and enjoined the town-council of the capital to sustain at least twelve schools for girls and twelve for boys.

Ignorance hindering people to recognise the benefits of instruction and to be in the habit of minding progress, it was necessary to assure the assistance of the pupils with penalties; but the law of 1867 and its regulations only allowed small prizes to punctual scholars and disabled desidious parents to occupy public offices. Several States, with better discretion, established for penalties small fines and arrests, although they left abandoned childhood without a proper vigilance.

The same law of 1867 provided official elementary instruction should be gratuitous for the poor; as a matter of fact, it was so for all, as it had been since the most remote times; it was not necessarily laical, but the law suppressed religion as a subject for teaching, since the Church had become independent on the State and thus the three features of modern official instruction, to be compulsory, gratuitous and laical, were implanted in Mexico earlier than in progressionist France and civilised England.

The subject matters of elementary instruction enumerated by the law were: reading, writing, Castilian grammar and epistolary style to use language correctly, arithmetics and the decimal metric system to impart an idea of reckoning; rudiments of Mechanics, Physics and Chemistry as a base for the knowledge of arts and industries, forming a sketch of manual work so very useful for physical education; linear drawing by which geometry is so well objectified; geography and history, particularly of Mexico, and morals, urbanity and constitutional law, with the aim to teach all the duties.

In the schools for girls manual work was substituted by needle work proper of the sex, while neither epistolary style, nor Physics, Chemistry and Mechanics were compulsory for them, but they must learn rudiments of hygiene which boys were not taught.

It may be lamented that the program was thus reduced, that the teaching of general ideas about organisms and a short course of geometry were wanting and that there was no indication about educational methods and systems, abandoned therefore to routine; but still adding to these deficiencies that of adequate physical exercises, base of all instruction, the scheme, under the given conditions of the country, was almost irrealizable, for there were not appropriate teachers enough.

3. In order to get them it would have been necessary to pay appointments sufficient to satisfy the needs of intelligent persons; but this could not possibly be done, in spite of the law providing so, because of the bankruptcy of government, so that at many places teachers were paid less than six pesos a month. Moreover, there was a lack of institutions to form teachers and therefore that same law provided the foundation of special classes: one for male teachers at St. I. dephonsus School called since then Preparatory and another for young ladies at the Secondary school for girls to be established in the former convent of Incarnation. In order to render all things easy, the teachers were divided into three categories,

those of the third needing only a minimum of knowledge being destined for villages of scanty culture; but little was obtained because of the lack of resources.

4. As for secondary instruction, it was confided to two establishments: one for male students and the other for female ones; the latter was the Secondary School I mentioned just now and which was set up in 1869; it signified a progress because it created something where there was nothing, but it lacks corporal breeding in spite of it being impossible without the same to impart a woman an instruction not jeopardising her development; it also lacks the teaching of physical and natural sciences, even of their rudiments, whereas it comprises among other branches of knowledge, several languages, algebra, geography and history, domestic medicine, drawing and music. It served to form more cultured female professors and considerably raised the intellectual level of womankind.

5. The law of 1867 was more efficacious and more complete regarding the secondary educations of boys: it provided, as Mora in 1833 and Ramirez in 1861 had wished, that the preparatory courses should be taught in a sole school and that the professional studies of every career should also be made in establishments *ad hoc*. Thus it specialised the said preparatory courses and united the before inimical students rendering it possible for them to be bound together by strings of friendship; but besides he joined them by a sole creed, that of science; to that effect eminent Dr. Barreda suppressed the teaching of all that could not be demonstrated and particularly Metaphysics; for although the law allowed it to subsist for them who wished to become lawyers or notaries, the respective regulations reduced the subject to a history of metaphysics thus making it disappear and annihilated the aprioristic affirmations depriving them of their root; in this way the law assured

the destruction of anarchy, almost dead since the privileged were vanquished, but susceptible of revival if by metaphysical studies the worship of bottomless affirmations had been preserved, as these lacking a base may be contradictory and not being susceptible of demonstration give rise to disputes that promote discord.

Dr. Barreda, on the contrary, contrived to set up the exact sciences as the soul of instruction in order to create the habit of minding proven facts and to unroot the liking for baseless affirmations and hurried generalisations; he obtained, moreover, that those sciences were studied in such an order that none was begun but by him who had already acquired a knowledge of that which might serve as a base thereof, in order that students might habituate themselves to make no step whatever but on tried thruths; and lastly, among the methods of teaching he included the inductive one in order to strengthen the need of proving every affirmation. Suppressing the teaching of theological and metaphysical lore they suppressed what all cannot be compelled to learn and what, consequently, disunites; implanting only scientific knowledge, they implanted what all must learn and what consequently unites people.



Ignatius Alvarado

6. The disciplines that were established to form the axis of education, began with mathematics which, being founded upon generalisations elaborated in former times and now accepted without proof, may follow the simple deductive method and furnish exercises fit to learn to make correct syllogisms: in the dominion of measurable quantity and referred to unities, arithmetics, in the dominion of quantity established as a function of others and without an estimation in numbers, algebra, in that of form and its measurement, plane, stereometric and descriptive geometry, and rectilinear and spherical trigonometry; in the dominion of quantity studied as a function of the infinitely small, infinitesimal calculus and in that of quantity, extent and force, or rational mechanics. This series was continued with cosmography, as a problem of quantity, extent and force, in cosmic systems studied both by particular observations to practice inductive procedures and deductively by applying with the aid of mathematics, the principle of universal attraction. He prescribed moreover the study of Physics which by means of the data of the afore said sciences considers the modalities of force and the conditions of the bodies whose composition is not altered; but this implying making observations and experiments the pupils became expert in the inductive method; they, however, did not give up the deductive method, because they applied it to infer by means of the calculus truths contained in the principles discovered. They were also obliged to learn chemistry which utilising the knowledge of the precedent sciences to account for the composition of the bodies and their reciprocal action, widens the knowledge of nature causing people to practise observation and experimentation and teaching the difficult art of well denominating familiarising the pupil with the due application of terminology. The phenomena studied by botany and zoology also taught in the Preparatory, imply those of the anterior sciences complicating them with the mobile equilibrium of the external and internal forces of an organism, for life, according to Spencer, is nothing more; to understand it, observations must be made, grouping the beings of analogous recondit characters and arranging the constituted groups, carrying thus into practice the art of classification.

Thereby the pupils were put into favorable conditions to form their own idea of the Universe and as while forming it they must learn how to observe and experiment in particular cases and how to generalise discreetly in order to rise to the conception of a law, they learnt how to reason inductively and deductively, how to think; the legislators being convinced that «intelligence is no granary needing to be filled, but a hearth needing to be kindled» they pointed out the adequate means to kindle that hearth and to get the pupils capable to understand everything. They integrated the intellectual education in the same school with other disciplines: Logic to study in abstract the mental operations already practised in concrete; Geography destined to present pictures of static Sociology: History that forms a series of dynamical Sociology this was treated rather summarily, only one year being allowed for both general and national history.

Other subject-matters were added with the aim to facilitate the acquisition of knowledge and the diffusion of ideas: French, English, Castilian grammar, Literature, Greek roots, for all; Latin only for lawyers and medical men: German for engineers, physicians and agriculturists; Italian for architects: a language, too, is drawing and it was prescribed in its three branches of figure, landscape and linear drawing.

7. A special course of Psychology was missing it being indispensable because of its intrinsic importance and because one of its methods for the elaboration of knowledge, that of introspection, is peculiar to it, so that an intellectual education not taking it into account must needs be truncate.

There was also missing a course, however summary, of Sociology utilising in abstract the valuable concrete contingents of Geography and History; and the scheme, in spite of its admirable characters, was also deficient regarding the knowledge serving to make a man communicate his ideas in a fit manner by speech or by writing. The Preparatory School, rationally, was to limit the study of foreign languages to rendering the pupils able to translate; but it ought to have aimed at obtaining that all handled correctly the Castilian language and nevertheless it only established one course of Castilian grammar and another of general Grammar without any practical usefulness, three years of Latin owing to which pupils almost

became able to translate that language, one course of Greek roots to teach etymologies and one too general one of Literature.

The scheme was also deficient regarding the moral and corporal education: for the former there were only a few lectures of Logic, at the end of the course; Dr. Barreda supplied them by the sovereign example of his virtues before the professors and the alumni; as for the latter almost nothing was provided.

8. The disciplines having been distributed into years and prescribing only five preparatory ones, they were difficult to arrange: the first year without any adequate preparation comprised, besides other matters, Arithmetic, Algebra and Geometry; the second, besides Greek roots, Latin and English, Trigonometry, infinitesimal Calculus, Cosmography and rational Mechanics, and the fourth and last of them who wanted to become engineers which together prescribed the study of Chemistry, Natural History, Logic and sundry other disciplines.

Moreover, the courses were overcharged with matters alien to the fundamental series: Stenography (shorthand) in the first year, Book-keeping in the fourth; and it was unavoidable, by dint of the fact that the studies must forcibly be distributed over five periods, that some of them were made without those which ought to precede: Cosmography and Mechanics without the knowledge of Trigonometry; and simultaneously, in the fifth year, Botany, Zoology and Logic, wherein they did not pass from the simpler, Botany, to the more complex, Zoology, nor did they first concretely practise the admirable models of description and classification of the biological sciences to study afterwards, in Logic, their theories and principles. Still worse, however, was the fourth year of them who wished to be engineers; for not only were they obliged to study Botany, Zoology and Logic, but Chemistry, too, this being really impossible.

9. On the other hand, the whole of the fundamental branches of knowledge: Mathematics, Cosmography, Physics, Chemistry, Biology, Psychology, Logic and Morals being necessary to cultivate intelligence as they must do who vow themselves to scientific professions, nevertheless, the same disciplines were not compulsory for all; from them who wished to be notaries, the scheme exacted only: Arithmetics, Algebra, Geography, Logic, Morals and History of Metaphysics, regarding sciences; Spanish, French, Latin, Palaeography and Literature, concerning language as though the physical, chemical and biological phenomena and the methods of reasoning to be applied to their study were unexistent for notaries.

But still poorer was the baggage asked of the business agents created, in part to serve as aids for lawyers, by a decree issued in October 1867 and ratified by the law I am analysing: decree and law scarcely exacted from them, as preparatory studies, Castilian grammar and mercantile arithmetics.

10. Albeit, the scheme is an admirable one and by setting it up Dr. Barreda placed himself at the head of the educationists: he had comprehended earlier than many and he imposed sooner than any one else, the great principle, that secondary education must be successive, gradually concentrating attention and thus educating it. He also comprehended that the only organisation of the studies accommodated to the psychical development of the pupils consists in preparatory teaching being synthetic, that is to say, general, abstract, not aiming at forming specialists: these can only be formed at professional schools where teaching must have an analytical character to adapt itself to its aim and to the mental development of the scholars; he only omitted to state that elementary instruction ought to be symbolical, that is to say, made by means of types to sum up objectively the knowledge of very vast groups.



Mexico. Normal School for female teachers. Hall for acts (present epoch).

CHAPTER XI

ORGANISATION OF PROFESSIONAL INSTRUCTION IN 1867

THE law of 1867 not only renovated elementary, normal and preparatory instruction but the professional teaching, too; for that purpose it restored the establishments bequeathed by the Spaniards and, as had been attempted ever since 1833, all useless repetition of studies was to be avoided. Certainly, courses of applied Physics, Chemistry, Botany and Zoology were kept up in the School of Medicine for them who wanted to become physicians; but the regulation of the same law established that those disciplines should be distributed among the main courses of the career, especially Anatomy, Physiology, Pathology, Clinic, Therapeutics, chemical Analysis and forensic Medicine, thus suppressing them as independent studies and saving the specialisation of the great teaching establishments; for although, deeming the relative studies of the Preparatory insufficient, they kept up applied Botany and Zoology in the School of Agriculture and in that of Engineers, the peculiar character of each educational institution remained strongly marked.

2. The National School of Jurisprudence no more comprised any subject matter alien to the career of the lawyer; and since then, the disciplines contained in its plan of studies, may be distributed, like those of the other superior schools, in two groups, as the distinguished Professor Michael S. Macedo justly remarks: the preparatory ones special of the profession and the technical ones of the same; the former:

Roman and natural law; the Roman law that has no application by itself, but which habituates deductively to reason about the base of *corpus juris* and so facilitates the interpretation of texts, and Natural Law which familiarises with the conceptions of justice and organisation in abstract, were prescribed to be studied, as before, in the first years of the curriculum and to be followed by the technical studies properly so called, also after the old order; national, canon, constitutional, administrative, international and maritime Law, civil and criminal Procedures, comparative Legislation and by practice in academies, lawyers offices and courts. Civil, mercantile and penal Law were still confounded with national and maritime Law; neither political economy nor forensic Medicine were taught; however, national Law got emancipated from Canon Law, the study of comparative Legislation was introduced, the characters of the rules of proceedings were better outlined and evolution became accentuated rendering studies more precise, heterogeneous and coherent.

At the same school there were instituted as professional studies for them who wished to become notaries, besides their practice, national, constitutional and administrative Law and forensic procedures: all what could possibly be taught then.

There were also instituted, for the business agents, according to the respective decree and the law of 1867, the studies of forensic procedures and organisation of the main offices and for those three professions the southern side of the nationalised Incarnation convent was destined; but it was settled that aspirant notaries were examined also at the institution called National College of Clerks and that agents did their practice at the likewise National College established *ad hoc*.

3. The professional studies of Medical science, Pharmacy, Obstetrics and Dentistry continued to be made in the edifice of the National School for Medicine that preserved its former outlines better than the Law school: there they considered always as special preparatory disciplines Anatomy and Physiology i.e. the study of man in health and as strictly professional Pathology and Clinics destined to teach the diseases of man; Therapeutics, Pharmacy, operative Medicine, Hygiene and Obstetrics in order to learn how to reconstitute the normal state; forensic Medicine with the aim to help justice, the divisions of the subject matters were better specialised; the disciplines of the apothecaries curriculum were also exactly determined; but that of Obstetrics was left as before without a special organisation, the pupils learning, after acquiring a rudimentary knowledge of French and Arithmetics, the most necessary elements of the art; the same happened with the dentists who only by habit continued obliged to prove they had practised with an expert and to pass a general examination at the same school for a title of competency.

4. The reorganisation of the Engineers' curriculum, while keeping up the orientation of the old Mining School regarding professional studies, constituted, besides the career of Mining engineer, that of civil engineer, indispensable to furnish the country commercial roads; that of geographer and hydrographer, which, it was thought, would forward the formation of maps of the Republic; that of mechanician for the future needs of industry, as also the professional auxiliaries of the topographer and the assayer and smelter of metals, with the aim to specialise the functions of the engineers, this aim, however, was not attained because of the people's lack of education. It was an error to prescribe even for the assayers approximately the same subject-matter of special preparation, profound courses of higher Mathematics, and only in the remainder the differences became prominent.

5. They also reorganised the School for Agriculture and Veterinary Science which, at the end of the Intervention, was found to have suffered more than other establishments; its old tendencies were kept up and it was set down as rule that the pupils at the end of their curriculum should practise on lands of the warm zone during a year; but little success was obtained, partly because the curriculum extended over nine years, five of preparatory studies and four of professional ones, the pupils, generally disposing of scanty resources, being unable to sustain so long an effort.

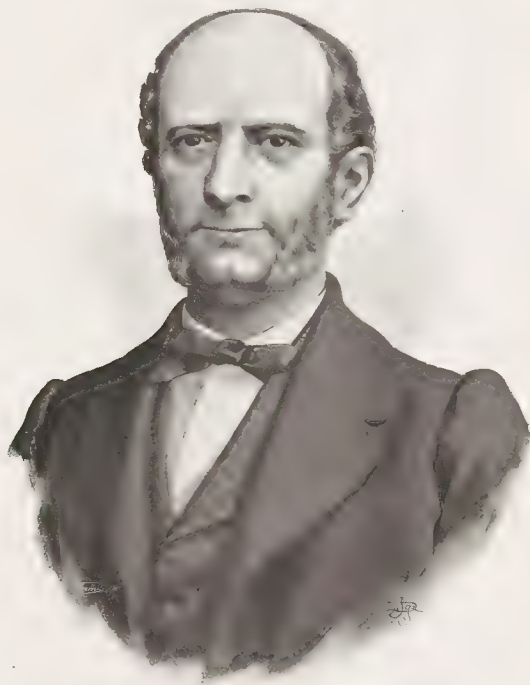
6. St. Charles Academy, under the name of National School of Fine Arts, continued imparting instruction of painting, sculpture, engraving and architecture; besides, the law of 1867 attempted at creating assistant architects, named building masters; but in the same manner as the business agents encroached

on the lawyer's right and the topographers on the civil engineer's, so, and even worse, the building masters tried to do the work of architects, so that this rather premature specialisation must soon disappear.

The law of 1867 did not create anything fundamental regarding the School of Fine Arts, nor has it done regarding the other professional Schools; but it improved them and thus it was set down that the students of Architecture should have for classes of special preparation lectures on higher Mathematics and for professional classes such of stonecutting, carpentering, mechanics applied to constructions, knowledge of materials, forensic architecture, estimations and appraisements, architectonic composition, analytical study

of the finest monuments, and auxiliary courses of drawing begun parallelly with the preparatory ones. Besides, in order to integrate the education of them who wished to become painters, sculpturers or engravers, the law, without altering their technical studies, disposed they should study simultaneously, in the Preparatory School, three living languages: Spanish, French and Italian; three elementary branches of Mathematics: Arithmetics, Algebra and Geometry; Natural History, Geography and History; however, through the lack of regulations on this particular, the law was nearly dead and therefore did not produce the fruit of the praiseworthy endeavour the legislators displayed by procuring a great coherence in the studies of the professional schools relating them with the alma mater, the Preparatory School.

7. They neglected this coherence also regarding another career they wished to create, that of professors of Geology, Zoology or Botany, who after acquiring prepara-



Jesus Teran

tory knowledge analogous to that of medical students, were to make special studies at a School of Naturalists that ought to be constituted for that purpose; however, likewise for want of regulations that career was never carried into effect.

8. Professedly they omitted linking with the Preparatory School that of Arts and Crafts for men which at length was constituted in the former convent of St. Lawrence, comprising in a four years curriculum, besides the practice in workshops, theoretical classes of Arithmetics, Algebra, Geometry and Trigonometry, French, English and Spanish, drawing and rudiments of Mechanics, Physics and Chemistry; but this scheme being far above the popular aspirations and the disinherited lacking vital elements, could turn to profit only the practice in the workshops, the School of Arts and Crafts never had the number of pupils it deserved.

9. The legislators finding the Music School already constituted having been founded by the Mexican Philharmonic Society in 1866, englobed it in the Act of 1867 and distributed the courses over six

years without rendering them dependent on either the preparatory or even elementary studies; some were called preliminary: Solfeggio and the elements of the Theory of Music; others central: exercises in singing or playing, Harmonics, Composition and Instrumentation; others still were complementary: Aesthetics, History of Music, Instrumentary lore, Declamation, Physiology and Hygiene of the vocal organs; but the Music School being totally sundered from all the other schools, philharmonists remained in a pernicious mental isolation, because their education only comprised technical studies.

10. Greater was the independence of the School of Commerce that subsisted some time because its professors served without receiving their appointments: the new law gave it the vast edifice of Terceros Hospital at the west of the Mining School; but whereas the other schools had got a scheme giving them coherence linking them or not with the remaining ones, that of Commerce was a free school: no requisite was exacted to ingress therein, nor was there a settled order of studies: thus it could admit any one wishing to occupy a disengaged hour and to study, not submitting to any plan, whichever of the disciplines taught there; unluckily, they were few: Arithmetics, Accountantship and Mercantile correspondence; Political economy, Commercial and administrative law, Geography and History of Commerce, but not one of the living languages. The fact of not having got a plan prevented that school from giving a too onesided education whose pernicious effects were to be feared regarding the Conservatory; but for the same reason it was but nominally a School of Commerce, being only a mere juxtaposition of free classes.



Joachim Velazquez de Leon

11. The law of 1867 gave an impulse to the School for the Deaf and Dumb that had just received new life by a decree promulgated in November of the same year and which assigned it the extensive edifice of the former Corpus Christi convent at the South of the town of Mexico's finest park, and under the management of the intelligent deaf and dumb Huet it bestowed instruction on the hapless creatures deprived of hearing teaching them: Geography and History, Natural History, Horticulture and Gardening, Arithmetics, Book-keeping and Christian religion, but not even rudiments of physical sciences, and besides the oral and written language they continued using the manual signs that ought to have been suppressed in order to assure the conquest of articulate language.

12. For the good function of the school institutions it was not enough to have got a Managing Board like that formed in 1843 by the directors of the national schools and other knowing persons: the heterogeneousness of that Board and the fact that its services were gratuitous must needs render it a mere transmissor of the movement proceeding from the corresponding ministry: the schools were in need of

something more; they ought to be endowed with apt and endeavouring teachers; I have already stated that regarding elementary instruction that necessity was attempted to be satisfied by means of professors formed at the Preparatory School or at the Secondary for girls. Concerning the Preparatory School itself, and the professional schools, there were to be assistant professors named in consequence of a triumphant competition and destined to supply the ordinary professors in case of hinderance; but as that system leaves aside those who are too shy to expose themselves to the jeopardies of an examination; only the Schools of Medicine and of Commerce have nearly always occupied their chairs by this means and thus had at their disposal a professorate respectable as a rule, whereas the other schools only exceptionally had recourse to competition and therefore have good professors only when their nomination hits on the right men.

13. The necessity to provide men of science willing to cultivate the same not in order to obtain a title but to increase mankind's treasure of wisdom and to give their country and the world new energies, was noticed by the conspicuous educators of 1867 and in consequence they attempted to create the School for Naturalists and a National Academy of sciences and literature resembling that founded by Richelieu and which was to be formed by well deserved professors and the fellows of the Society of Geography and Statistics; but although these creations must needs be insufficient, it proved impossible to found them, as also the National Botanical Garden could not be brought to life from its law creeping existence; successful was only the resurrection of the astronomical Observatory decreed then and carried into effect in 1877 when it was settled at Tacubaya, in part by the constancy of its founder Diaz Covarrubias.

14. Martinez de Castro and Juarez, wishing to forward instruction, not only promulgated the great law of December 2nd 1867 in succession of several others of less importance: they also applied their attention to the National Museum and Library; the former, being destined to become an establishment where the visitors might learn much and quickly by the order how the specimens were exhibited and by the clear and adequate descriptions thereof, had not been more until 1867 than a confuse and poor crowding of objects; lodged since then in a part of the premises it now occupies at the North of the National Palace it was divided into two departments: one for the antiquities and history of the country and the other for Natural History; to enrich both parts an agent was commissioned to scrutinise the Republic.

As for the Library, decreed a great many times since 1821, it was founded in November 1867 when it was settled it should occupy the splendid edifice of St. Augustin church; however, being formed with the remnants of the convent libraries, it scarcely possessed more than copies of Theology and Law books, many of them repeated, works on History very few of them modern ones, particularly of sciences, by which and by the frivolity of many readers who only want newspapers and insubstantial books, it produces less results than were to be expected from the hundreds of thousand copies it contains.

15. The totality of the laws of public instruction of 1867, great as it was, did not further, as I have stated, the autonomous development of the sciences by means of numerous and varied institutes nor the formation of professors for the special schools by the constitution of superior normal schools; for it limited itself to sketch in the School for Deaf and Dumb the studies of the professors of same with the aim to satisfy the needs thereof.

Thus the lovers of knowledge continued to be obliged to look for superior information in their own meditations and in the books and reviews from beyond the sea or in the midst of meritorious societies like that of Geography and Statistics and the National College of lawyers which besides continued offering the students its academies of juridical procedures; however, in spite of its deficiencies the legislation of 1867 concerning instruction, is a titanic effort to implant more than the country was able to keep up, and for that very reason, even limited to what it was, it was so grand that forces were wanting to sustain it in all its parts; so it happened that it must be reformed very soon.

VOL. I. — PART SEVENTH

National education

Antony Martinez de Castro





Mexico. — National Museum. Anthropology Hall (present epoch)

CHAPTER XII

THE INNOVATIONS OF 1868 AND 1869

As it often happens, an economical cause precipitated the reforms imposed in part by the very magnitude of the organisation of 1867: for that organisation the legislators themselves had agreed to dispose of the old fund constituted with the estates of the establishments bequeathed by the Spaniards and with special taxes and incomes of small importance; but a part of them was suppressed with the suppression of the inscription and examination fees and although they procured to limit the number of pensioned interns to such as had no family in the capital, this was soon derogated, so that with reduced resources all things must be managed: adapting the edifices reserved for instruction, implanting new classes and maintaining the pupils that had won fellowships.

Resources being insufficient, a part of the law remained at once unenacted; but, moreover, on May 30th 1868, the development of the ideas regarding the economical convenience of the Government and clergy not possessing more ground than that occupied by their institutions, produced a law of income forbidding all special funds and bringing to the Treasury of the Union those of the colleges dependent on Government, that of public instruction thus ceasing to exist, implying the necessity of reorganising this branch of administration.

So it was done on May 19th 1869, by the secretary for Justice, the distinguished author Ignatius Mariscal, who melted into one all the dispositions issued before. The praiseworthy wish to render the initia-

ted progress more feasible led then to simplify the organisation of 1867, wisely in some points and injudiciously in others: in elementary instruction that continued still lacking the rudiments of physical education, letter writing was suppressed and therewith the small amount of practice of the language whose study became reduced to definitions and grammatical rules; linear drawing was substituted by *Drawing* in a general sense, thus weakening the practical teachings of geometry; without establishing anything of the natural sciences the rudiments of the physical ones were expunged on the plan, thus suppressing in the intellect of the pupils the numberless phenomena taught by those sciences; they also suppressed the shallow studies of arts and trades that initiated the handicrafts and accentuated the physical education; and they effaced from the program History and the Elements of Constitutional law whereby the students were sundered from their antecessors and their fellow citizens, depriving them of the consciousness of the past and of the political present of the Nation. Besides as the want of prescriptions regarding the methods of teaching subsisted and the teachers had acquired their instruction by antipedagogical methods they continued making their pupils learn by heart; and indeed, the only things the children continued learning were how to read, write and reckon, availing themselves largely of the mutual system that could not possibly impart more than that rudimentary knowledge. Albeit, by means of such simplifications they contrived to increase the number of schools: there were two of the Federal Government and ten of the town of Mexico, in 1869; in 1870 the latter sustained already twenty four endowed with regulations that have been justly praised; however such a progress was not enough to give official teaching the preeminent rank; for in the said year 1869 the Lancasterian Company and the Society of Beneficence sustained twenty four and private persons one hundred and eighteen schools; and in 1873 for nine of the Federal Government and fifty one of the town council, the Lancasterian Company and the Society of Beneficence maintained twenty and private persons more than one hundred and twenty; thus the initiative of the latter continued predominant as is also proved by the fact that in the same year 1873 at the side of one hundred and eighty five official elementary schools in Guanajuato there were one hundred and eighty three private ones.

2. The law of 1869 must forego nearly in absolute, through the lack of funds, the studies of the normal school especially for male teachers, as also the advantageous distinction of three classes of teachers; all were of the lowest class and obliged only to possess, besides the rudimentary knowledge of the subjects they ought to teach, an acquaintance with the comparative methods of teaching to be learned by the young ladies at the Secondary School for girls and by the young men at the Preparatory School; thus the elementary schools were still served by untitled teachers or such as had passed a general examination before the municipal teachers showing their respective knowledge acquired at home or at one of the six secondary schools spread over the country and as deficient as those of the capital or even more so.

3. The law of 1869 stopped the school for naturalists, thus annihilating what might have become an Upper Normal School for an ample cultivation of sciences; but several of the reforms regarding professional schools were advantageous: at that of Jurisprudence Canon Law was taught no longer, having little practical importance after the separation of Church and State; in its stead a course of Political Economy was introduced; at the Engineers' the useless courses of applied Botany and Zoology were given up and the same was done at the Agricultural school regarding the course of Zoology equally useless there; on the other hand it was a mistake to reduce, for them who wanted to be notaries, the study of National law to that of bonds, contracts, wills and public deeds whereby it became difficult for them to recognise the capacity of persons and the fundamental parts of Mercantile law; it is questionable, too, whether it was convenient to suppress practice in the hot lands for them who wished to be agriculturists.

4. The simplifying tendency of 1869 expunged among the preparatory studies that of Metaphysics, even under the form of History of same and so oriented better than before the plan of teaching only what is scientifically demonstrable; it suppressed Stenography, Paleography and Book-keeping that were a useless load on the studies; Eloquence and Declamation disappeared from the course of Literature, as also, though less justifiably, descriptive Geometry.

The preparatory studies of them who wanted to be physicians or agriculturists were simplified not exacting from them to know German; agriculturists were besides dispensed with History and Literature and the architects with Italian and Greek roots; from the curriculum of notaries Literature and Palaeography were effaced and almost all these suppressions improved the work of 1867.

5. It was also improved by assigning five years instead of four for the preparatory studies of the engineers and rendering thus successive the courses of Chemistry and Natural History and by prescribing the first course of Mathematics to comprise only Arithmetics, Algebra and Planimetry, reserving for the second course Stereometry, Analytics, rectilinear and spherical Trigonometry and infinitesimal calculus, whereby the difficulties of the curriculum proved somewhat alleviated.

The preservation of the distribution of the studies in yearly courses and the necessity of limiting their number in order not to prolong too much the curricula of pupils of scanty resources caused, as in the scheme of 1867, the defect of obliging to study simultaneously subjects that ought to be coursed successively: thus it was prescribed to study in the third year Cosmography, Physics and Mechanics, although it would have been preferable to conclude first the practice of the deductive method of the latter and to acquire its informations in order to pass on to the method of observation and strong deductions of Cosmography with the aim to practise afterwards the method of observation and experimentation partly characteristic of Physics.

The law of 1869 left Chemistry as principal subject-matter of the fourth year; but having joined in the third Cosmography and Physics, it tried to lighten the burden by passing the study of Geography from the third to the fourth year, together with History, thus breaking the order which justly prescribed, in 1867, that the spots were studied first and then the events happened in them.

The impossibility of distributing the curriculum over five periods without incurring into vicious superpositions of subject-matters caused the legislators to commit once more the defect to get pupils to study at the same time the biological sciences, Logic and Morals; thus, while nearly all the suppressions decreed regarding preparatory studies were advantageous, the modifications of order led to incur into new defects although some of the old ones were corrected.

6. Nor was the lack of physical education avoided and although afterwards a class of gymnastics



Philip Sanchez Solis

was established, things were not improved thereby because almost all looked at it with disdain since it remained outside of the scheme and nobody was obliged to course that class.

The same law committed the mistake of establishing the rule that they who had studied at schools outside the Federal District or in foreign countries, if they wished to continue their studies at a professional school of Mexico's might obtain dispenses of several important preparatory courses both of sciences and of languages, literature and History, whereby the principle of the uniformity of studies was weakened, aggravating the fact that since 1867 knowledge of fundamental matters had not been exacted from them who wanted to become notaries or business agents.

Such exceptions, to be sure, found acquiescence only in view of the terrible opposition raised at once against a scheme that submitted every one to a rigorous row of sciences, that annihilated the study of Metaphysics and, contrarily to what had been done ever before, began with Mathematics and ended with Logic.

The new organisation prevailed, however, because it disposed of the best elements: it possessed the splendid edifice of St. Ildephonsus where the Schools of St. John of Lateran, St. Gregory and Medicine concentrated the fragmentary laboratories, the truncate collections, the maimed libraries which, when joined, constituted the most complete stock in the country; and, above all, it had an unsuppliable director, the great initiator Barreda, who received and organised the working tools I have just mentioned and the hundreds of alumni who then began their studies at the extinct schools and who, although forming boisterous crowds looking at one another as enemies and deemed by every one undisciplinable because of their chaotic disorder, when feeling the immaterial coaction of their learned director's prestige and the sweet firmness with which he overcame their incipient rebellions, soothed the sea of their juvenile anarchies.

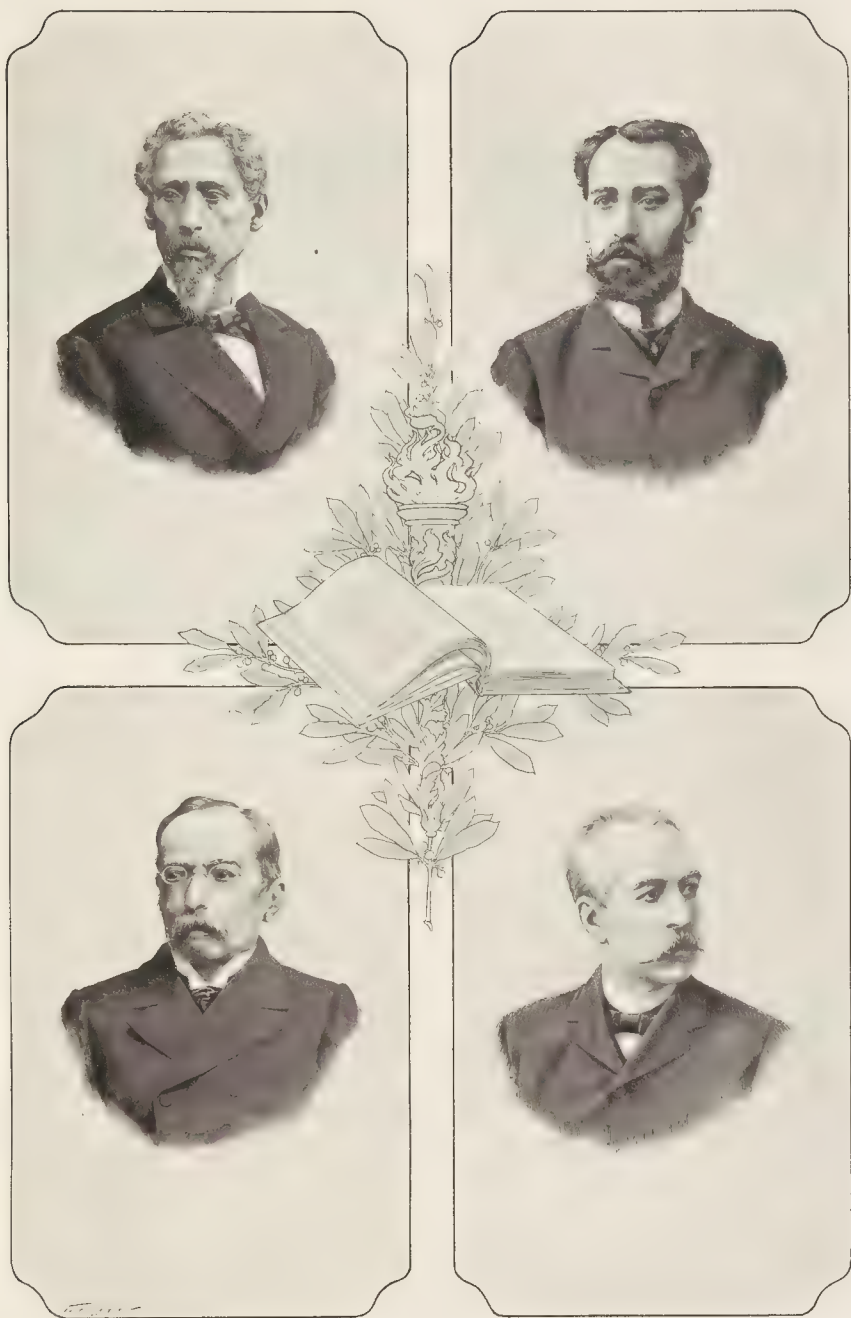
On the other hand, Dr. Barreda being quite aware that in order to carry the scheme into effect, the same stress ought not to be laid on all the disciplines, he established the rule that the science classes should be daily ones and of an hour and a half and the remaining ones every third day and of an hour only and he prevailed on Government that it appointed as professors so eminent men as the engineers Francis Diaz Covarrubias, Emmanuel Fernandez Leal, Edward Garay, Bustamante and Balnes, for the courses of Mathematics; Rev. Ladislaus de la Pascua for the classes of Physics; learned Rio de la Loza for those of Chemistry; somewhat later on, laborious Alphonsus Herrera for the class of Natural History; Barreda himself filled the chair of Logic in order to coordinate all and thus exercising a true intellectual leadership; he substituted the merely deductive method that had prevailed in that matter, by the deductive and inductive, particularly utilising for this purpose the studies of the legislator of induction, the great conciliator of the syllogistic and inductive methods, John Stuart Mill whose monumental work he chose for a text-book.

Dr. Barreda realised his work amid the most violent storm ever raised against an institution; he was helped by his professors among whom we find conspicuous Ignatius Ramirez intrusted with the Literature class; but without the prodigies of science, talent and constancy achieved by the eminent founder, his institution would have succumbed, for it was opposed not only by the members of the extinct conservative party, but by the liberals whose habits of deductive thinking he disturbed and by the family heads who wanted to give their sons a lucrative career as soon as possible and were unable to understand the convenience there was for all to study the fundamental sciences.

VOL. I.—PART SEVENTH

National education

Ignatius Ramirez. Joseph Diaz Covarrubias
Alphonsus Herrera. Protasius Tagle





Mexico. --School of Arts and Crafts for men. Main Court-yard (present epoch)

CHAPTER XIII

INCREASING PREVALENCE OF THE OFFICIAL TEACHING INSTITUTIONS AND TRANSITORY DECAY OF THE NATIONAL PREPARATORY SCHOOLS

SINCE the beginning of the colonial epoch there began in Mexico the tragical duel of laicism against the religious corporations analogous to that between Papacy and the Holy Roman-German Empire which commoved Europe during the middle Age; in that often unconscious duel peace was made, but at once conflicts arose about authority and so it happened several times in New Spain: town councils were denouncing the clergy's monopolies over the property; viceroys disputed the prerogatives of the Church and at last king Charles III with the help of marquis de Croix carried through the expulsion of the Jesuits together with a sort of nationalisation of their estates.

As a rule, however, the corporations triumphed; but as Government progressively weakened them not giving them back the capitals borrowed in hours of pecuniary agony and as religious fervour cooled down in the run of centuries, the end must be, as I already, stated, a separation of the Church from the State, the nationalisation of the clergy's estates and the official absorption of public instruction formerly sustained by private persons.

2. That absorption became more accentuated on December 12th and 14th 1872, because then the alienation of the amortised capitals of public instruction was ordered as a corollary to former dispositions, Government thus assuming, more than ever, the care for instruction and leaving their own funds only to the College of the Peace and the two elementary schools managed by Government itself and founded in 1837 by Joseph Maria Rico, considering those institutions were entirely due to private persons.

3. Nearly all the great private foundations bequeathed by the past centuries having thus disappeared, no new ones of equal importance have been able to arise up to this day, because the capitalists that ought to found them decreased after the expulsion of the Spaniards in 1828, then entered the political vortex to defend the clergy and, vanquished, withdrew for a long time; they lacked, besides, the ardent religious piety that was the mobile of the first founders and which the xix century lessened still more; they also lacked sufficient fondness for a people that endeavouring to progress had undone the so called ancient regime and finally when some good will to establish a lasting work arose in their mind they had reason to fear the law would oppose the amortisement of the capitals indispensable to render their work permanent.

Thus there remained only the initiative of the middle class generally instigated merely by the wish to have institutions able to impart to the founders' sons the still prevalent religious education and which almost exclusively founded elementary schools of little moment, often ephemeral or feeble associations of beneficence and instruction; but as Government was able to establish more and more numerous and better endowed schools, it propended to exercising a monopoly annihilating the work of private persons and imposing them its orientation.

4. So it happened in particular, for analogous reasons, with the Mexican Philharmonic Society, although, since 1872, the first great orchestra of Mexico contrived to organise valuable concerts, operas and dramatic pieces; but as it not only endeavoured to teach music and declamation, but also to breed male and female teachers of elementary knowledge to be licensed by Professors of the town council of the capital, the quota of the members, although there were more than 500 of them, were not sufficient and therefore assigned insignificant retributions for their teachers, several of whom often performed their work without any fees and in order to progress they at last begged the help of Government.

This then liberally yielded them the edifice of the University of Mexico, a subvention and the permission to set up a lottery. The Society made a laudable effort and built an elegant theatre for performances in 1873; but the political fluctuations upsetting Lerdo de Tejada's government in 1876 rendered the payment of the subventions irregular, annihilated the lottery and reduced to 500 pesos a year the quota of the fellows, so that at the beginning of general Diaz's presidency his minister Ramirez felt obliged to nationalise the establishment in order to save it reconstituting it under the name of National Conservatory of Music.

5. The concentration of teaching in the hands of Government became manifest also by the fact that, in 1870, the Home Minister took under his care the establishment founded not long ago by the philanthropist Ignatius Trigueros for the shelter and education of the blind: he instated it in the former Incarnation convent in front of the Law School and dedicated it mainly to elementary instruction, amplified with rudiments of physical and natural sciences, music and adequate arts and crafts, as he had already done also with the departments of children at the charity house likewise due in part to private initiative.

6. Concentration went on operating so that, on May 22nd 1878 the decay of the schools founded by eminent Vidal Alcocer caused them to become dependent on the Ministry of Justice and Public Instruction, the same thing happening on March 29th 1890, with the Lancasterian Company's schools which by little and little had come to subsist only by the public funds and were incorporated with those of the same ministry by minister Joachim Baranda, considering they had entirely fallen into discredit since they continued the obsolete system of mutual instruction, true anachronism in face of the new teachers and the new methods.

7. But while the State thus came to prevail, rather unwillingly, over individual initiative, this, less enlightened during some time, sustained a rude campaign against the best creation of public instruction, the National Preparatory School and sometimes it counted with eminent personages of government itself to fight the same. Certainly, the ingenious work of Dr. Barreda was irradiating from the capital towards the States, and although some like that of Campeche accepted only the proposed disciplines but not the order in which they had been prescribed, others like that of Mexico, thanks to its excellent governor, Marianus Riva Palacio's heeding the eloquent suggestions addressed him by Barreda himself, accepted it in its totality, but in spite of all, the campaign continued: they said it was absurd to teach the future lawyers infinitesimal calculus, Chemistry and biological sciences and they were not aware that such exigencies were not made for the purpose of exercising any profession, not with the aim to instruct, but to educate, to render the pupils able to comprehend the world and to reason with correctness, becoming men in the highest sense of the word or, as Pascal has it, thinking beings; but most of the parents and the pupils themselves did not understand it so: driven by poverty they got angry with anything that might put off the moment of obtaining with a professional title, a *modus vivendi*, a livelihood; they applied incessantly to Congress asking for dispenses; Congress was weak enough to grant them and so the oppositors emboldened obtained, in October 1873, that an act of Parliament expunged from the plan of preparatory studies for the future physicians, pharmacists and lawyers, Trigonometry, Stereometry, Analytics and infinitesimal calculus, as well as chemistry and the biological sciences for them who pursued the forensic career.

Fortunately, general Porfirius Diaz's strong administration placed at the head of the Ministry of Justice and Public Instruction distinguished Ignatius Ramirez who by Dr. Barreda's inspiration corrected part of the nefarious Act of 1873 and disposed that the new students of Law, Medicine and Pharmacy should learn rectilinear trigonometry and moreover they who wished to become barristers should study the rudiments of Chemistry and Zoology indispensable to understand forensic Medicine.

At the same time the teaching institutions were improved on another point: the old schools under the influence of the convents had made boarding a condition of instruction; consistent with its abolishing the monastic corporations that of 1867 suppressed boarding for the pupils who had their families in the town of Mexico and who therefore had no pretext to be allowed to substitute home education, the only one that forms true social links with the school's that does not and cannot create them and therefore produces a void around the souls and vicious habits of commensalism and parasitism.

However, the resistance of the parents unable to attend their children duly caused that reduction of the boarding system to be derogated by the law of 1869; but the viciousness of the system was evident, giving an artificial hot house education; the students themselves comprehended it and organised strikes against that system; the authorities being aware they were right, the ministers Ignatius Ramirez and Protasius Tagle suppressed boarding, in 1877, in the Schools of Jurisprudence, Medicine and Arts and Crafts, allowing it to subsist for a short term in the Preparatory School for pupils of less than sixteen years of age, and definitively at the School of Agriculture where the distance from the Capital and the necessity to begin work at dawn rendered boarding inevitable.

8. The reaction against the National Preparatory School continued however and was favoured by coexisting circumstances that must needs mine its plan although they pursued laudable results. Thus, on February 6th 1877, in order to forward the decayed studies of the School of Fine Arts, Ignatius Ramirez dictated a providence by dint of which the future architects were no longer obliged to study Castilian Grammar and Literature as though they would never be compelled to redact informations, solitudes or projects or to speak in public; moreover they were dispensed with the study of Botany, Zoology, Logic and Morals. So also, with the aim to attract pupils to the half deserted School of Agriculture, it was resolved, in 1878, that the boys wishing to become agriculturists or veterinarians might course there their preparatory and even part of their elementary studies, thus going back to the former indiffereatiation and giving up gathering the students in one sole establishment and it was decided, besides, they should not

be obliged to study Cosmography, Logic, Morals, History, Spanish and Literature and be allowed to study parallelly preparatory and professional disciplines although, by doing so, the new agriculturists would study Botany before the natural preparation thereto by the study of Chemistry which they were to perform simultaneously with that of Zoology, while the new veterinarians would study Zoology together with Physics in the first year and Botany with Chemistry in the third.

9. The enemies of the system of teaching of the National Preparatory School, well aware that doctor Barreda was the soul thereof, directed their attacks against him, too, not only as director of the said school but as professor of Logic; his admirable classes, of neat clearness, were considered by various of his adversaries as teachings of materialism their ignorance confounding this metaphysical thesis with positivism, and they obtained at length to get him far removed from his institution when in April 1878 Government intrusted him with the post of resident minister of Mexico at Berlin. He was then substituted as director by the learned naturalist Alphonsus Herrera and as a professor of Logic by intelligent Dr. Porphyrius Parra, a disciple of his, who, however, soon after ceased to be professor of that class and the text-books of Mill or Bain were substituted by others opening the way for Paul Janet's eclectic philosophy destined to cut the roots of positive teaching; notwithstanding the retrocession was not complete until when minister Ezekiel Montes, a humanist incapable of perceiving the importance of the sciences taught in perfect order, after trying to destroy the work of Barreda and desisting in part before the defence organised by Alphonsus Herrera as director of the Preparatory School, Henry M. de los Rios amid the students and Justus Sierra in the Chamber of Deputies, issued nevertheless, on January 21st 1881, the reform by which the future lawyers, in exchange for being obliged to a three years course of Latin, were dispensed with the study of Stereometry, Analytics, spherical Trigonometry, infinitesimal Calculus, Chemistry, Botany and Zoology, thus depriving them almost of all intellectual education.

10. On the other hand, on November 28th 1881, the unity of direction was broken by rendering the Schools of Engineering and of Agriculture dependent on the ministry of Encouragement and by the relative law of February 15th 1883, although it corrected one of the modifications of the plan for agriculturists and veterinarians, making them once more study Cosmography and Castilian, the future engineers were dispensed with the study of Literature and Morals.

11. Fortunately they neither altered the order of the disciplines nor was Metaphysics restored and although Janet's eclectic work did not teach, as the course of Logic had done, the canons of the scientific methods, because it was open for all ideas, it allowed the alumni to choose the best whenever they were able to think by themselves.

In consequence thereof the great school founded in 1867, although lessened, remained on foot; and so it continued long years not being raised from its prostration either by apparent measures of progress like those which established chairs alien to its plan that must needs rob it energies, or by the actual improvements introduced by minister Joachim Baranda in 1885 and 1886 creating classes of fighting, hygiene, education and national history, which in spite of their importance were unable to restore the partially destroyed harmony. Many a year was to pass before truly reparative laws were enacted and therefore ere than their history we most sketch the progress that preceded in the other branches of education.



Toluca.—Exterior of the Institute (present epoch)

CHAPTER XIV

SPECIALISATION OF THE STUDIES AT THE SUPERIOR SCHOOLS FROM 1869 TO 1889

THE laws of 1867 and 1869 not doing more regarding the professional studies properly so called than improving the preceding work in particulars accepted beforehand, there was no opposition raised against them like that against the Preparatory School and therefore the special schools subsisted nearly three decades, although procuring to get more and more specialised, and serious reforms were only attempted regarding the less well established institutions.

Among the merely improved ones there was the School of Jurisprudence which contrived to substitute Mexican Law for the Spanish Law thanks to the fact that since 1870 the codification of our laws was begun and that there were professors preconising our own legislation like the chaotic juriconsult, the fabulously learned Blasius Joseph Gutierrez.

Moreover, the list of the disciplines taught began to grow complete: in 1877, minister Ignatius Ramirez succeeded in giving an autonomous existence to Penal Law, up to then embodied in the National Law; he established a course of forensic Medicine as an indispensable complement to civil and punitive Law, and although he left Commercial Law incorporated in Civil Law and Public and Private International Law combined in one course, he expressly decreed that Commercial Law should be taught as a part of Civil Law; and when he prescribed the always syllogistic order of the courses: first, Natural Law, then

the substantive Civil, Penal, Constitucional and International Laws, and at last Juridical Procedures, Political Economy and Forensic Medicine, he declared: «The instruction of youth ought to be based on positive facts, on experience and social needs and by no means on ancient systems that have produced nothing but sterile disputations.» The Anglo-American influence became then marked not only by the practical orientation of instruction but by Comparative Legislation being reduced to relate our Constitutional Law with that of the United-States; however, specialisation grew more accentuated in 1889, for then, partly by the initiative of the clever barrister Hyacinth Pallares, a special class was created of Commercial, Mining and not codified civil laws, private International Law was sundered from the public one and Natural Law was substituted by a course of Philosophy of Law which was combined with that of Forensic Oratory founded some time before and which, instead of being studied as formerly in the first course passed to be the last.

2. At the Medical School the necessity of specialisation was not so urgently felt, because its plan of studies had been more complete since the beginning; however, in 1887 classes of Gynæcology, mental diseases, Bacteriology and Ophthalmology were established for them who wanted to increase their knowledge and the study of the tissues of the system was emancipated from that of Anatomy, forming a class of Histology.

3. At the National School of Engineers the specialisation of the studies made itself felt when Ignatius Ramirez, in 1877, after the victory that handed over Government to general Diaz, contrived to establish at Pachuca the Practical School of Metallurgy and Mining works, annex to that of Engineers and which had existed from 1861 to 1863, likewise in part through the said minister. Moreover, after making the School of Engineers dependent on the Ministry of Encouragement, they created the new profession of telegraphists who afterwards were called Electricists Engineers and whose office had been required by economical progress.

4. For its part, the School of Agriculture that had obtained little success because its studies were too long for the sons of landowners who were not pushed on by the necessity of knowledge since keeping to routine they obtained their produce although they were of inferior quality; they were also long for them who wished to become administrators of rural estates, for in spite of their titles they only succeeded in getting scanty retributions, endeavoured to remedy that situation since 1872 by specialising the studies on behalf of a new short career, besides the primitive ones, for theoretico-practical agriculturists; he decreed that the preparatory and professional studies should be coured parallelly, the former being concentrated in the School for Agriculture and their extension reduced as I stated before; but this did not improve things nor did the founding, in 1879, of an ephemeral regional school to teach the cultures of the hot lands at Acapantzingo, State of Morelos. There is no doubt good results were produced under another point of view by a periodical paper on Agronomy gratuitously distributed by Government; something was also obtained when, in virtue of the law of 1881, that placed the School under the direction of the Encouragement minister this procured that in the farm-schools founded at several places, succinct studies of administration of rural estates were organised; however the true remedy must consist in directly showing the land owners and the labourers the advantages of science.

5. In exchange the National School of Arts and Crafts for men that began establishing only theoretical studies on ill fitted premises, organised in 1872 its first two working shops; soon after it possessed five and in 1877 it had ten: the most important ones being those of smiths, carpenters and turners while those of printing, photography and its applications were less noteworthy; however, although its director Emmanuel Alvarez published here a periodical paper to popularise that School and minister Joachim Baranda created classes of English, Political economy and Constitutional law, they did not succeed in augmenting the number of the alumni who because of their utter poverty nearly never concluded their studies.

6. Meanwhile the distinguished licentiate Joseph Maria del Castillo Velasco, minister of the Home department, noted the abandonment wherein the women of the lower class were lying and in order to remedy their situation he obtained that on November 16th 1871 the School of Arts and Crafts for women

was founded and subordinated to the Home Secretary considering the same as a beneficent as well as an educational institution.

At the beginning that school taught besides arts and crafts subject-matters proper to governesses and others, merely ornamental ones, which went on multiplying like weeds in a garden; but in spite of that defect of indifferentiation, the school became very much frequented because the courses were rudimentary and free like those of the Commercial School and because the poor pupils were attended with food; however among the numerous alumnae there were not those for whom the School had been founded, they remaining isolated at the foot of Society, unable to break through their strong habits of vagrancy and abandonment; there were the misses of the middle class properly so called or of the class between the middle and the low classes, and who are hindered from frequenting the school with punctuality by their scanty resources, but who turn to account several of the classes choosing them freely.

7. Meanwhile the free School of Commerce, rendering its studies more analytical, was progressing like several of those I mentioned: thanks to minister Ignatius Mariscal, in 1881 it amplified its teachings by a class of General and Mexican History and thanks to his successor Joachim Baranda, a special chair for Statistics was established, one of Calligraphy and one of Castilian language in 1887.

Moreover, in the aforesaid year 1881, Mr. Mariscal attempted to systemise that School by means of a scheme of studies for office holders in general, another for those employed in the offices of Treasury and a third for the officers of the ministry of Foreign Relations; but this

plan by dint of which the School would have been no longer a mere juxtaposition of isolated studies however so useful, was not accepted by the Chambers, perhaps because they thought Government must be left free to name its officers from amid the persons it deemed the fittest and because they were afraid that innovation might foster emblemanism to a pernicious degree.

8. The National School of Fine Arts imparted new benefices because its evening drawing classes attracted many artisans and there were chairs established for architects such as before only existed at the National School of Engineers; but it was harmed by the fact that those who were received fellows of the Military College and the referred School for Engineers not only busied themselves in works of their profession, such as trenches, barracks or forts by military engineers, and the construction of roads, bridges, canals and causeys by civilians, but also in works of architecture; so much so that in order to prevent a greater decay, minister Ramirez suppressed, in 1877, the career of master-builders which almost



Marianus Riva Palacio

without any scientific and artistic base, still aggravated competency. Besides, as I have already stated he endeavoured to alleviate the preparatory studies of the architects; but the actual evil consisted in the public not being sufficiently enlightened to occupy engineers and architects only in their own respective speciality.

9. The National Conservatory of Music, for its part, also made progress since 1876 when it was nationalised: Government then gradually took away its primitive indifferenciation which made it serve at the same time as a most defective Normal School and at length, in 1882, reduced it to a mere School for Music; then its enthusiastic director Alfred Bablot endeavoured to introduce unity in the new plan he implanted in 1883; but although he raised its teaching and although somewhat later he organised remarkable concerts he still left much to be wished for, because he did not procure the harmonic development of the pupils' aptitudes and because he left them in almost full liberty to study what they liked in the order they preferred.

10. Summing up what has been said so far, we see that, in general terms, the superior schools subsisted for nearly three decades, improving almost all of them, either by expunging from their plan, as the Conservatory of Music did, the disciplines that were for them like parasitic growths robbing their sap, or by completing their studies as was done by the Schools of Medicine, of Commerce, of Arts and Crafts for men and of Fine Arts and as also did the School of Engineers when it reinstated at Pachuca the practice annexed to the same; but besides these there were two other improvements of importance: the creation of the career of electric engineers at the National School of Engineers, thanks to the progressionist minister of Encouragement, general Charles Pacheco and of the National School of Arts and Crafts for women set up by the Home secretary licentiate Joseph Maria del Castillo Velasco.

It is but just to state that most of this progress was realised by two ministers of Public Instruction: Ignatius Ramirez who in 1877 amplified the studies at the School of Jurisprudence, reinstated that at Pachuca, concentrated the classes of Architecture at the School of Fine Arts, suppressed the career of master-builders and saved the moribund Conservatory of Music by nationalising the same; afterwards Protasius P. Tagle encouraged the School of Arts and Crafts for men and the secondary school for girls and propped the good measures of his predecessor.



Monterrey.—Upper Primary School number 3

CHAPTER XV

FIRST ENDEAVOURS AT ORGANISING ELEMENTARY INSTRUCTION IN AN ANALYTICAL WAY AND AT IMPROVING ITS TEACHING BODY (1869 TO 1882)

ELEMENTARY instruction was less completely organised in 1869 than preparatory and upper education and therefore the modifications it soon began to suffer are more considerable in the same period of time.

It was adapted at once not only to normally developed creatures, but among them who were not so, besides the deaf and dumb, to the blind teaching them music and arts and crafts, to the inmates of the poor house, to the Industrial School of Orphans, endowed with regulations by its director Ignatius T. Chavez some years later and to the Military Industrial reserved for the correction of minors. These institutions together with the College of the Peace and the Foundlings Home kept up the boarding system, since they were rather charities than teaching establishments.

2. The improvements befitting the latter were very well studied by distinguished Joseph Diaz Covarrubias who stood repeatedly at the head of the corresponding ministry as managing officer; in 1873 he suggested a law destined to enact compulsory instruction by means of fines and arrests and although he could not get it decreed, he made the governors of the States aware of his scheme and caused several of them to issue analogous laws; some had done so already anticipating Covarrubias' initiative, doubtlessly

because there the force of the tradition characteristic of old towns was not so strong as in the capital of the Republic.

3. Diaz Covarrubias noticed the other shortcomings of the elementary instruction established in 1869: in his report of 1873 he expressed the necessity it should comprise the rudiments of the sciences; and in his clever essay on education in Mexico, in 1875, he urged the establishment of the teaching of those sciences in the form of object lessons and he called his readers' attention to the necessity of substituting learning *by heart* with the perception of the objects or their clearest representations since in infancy it is obvious that there is nothing in a child's intelligence but it has been before in its senses and therefore it is needful to supply verbal by real teaching. He insisted on the necessity of stimulating the children's curiosity by the activity impressed on their intellects to maintain their attention and make them learn how to devise. He showed the immobility children were subjected to, to be harmful and pointed out the unhealthiness of the conditions the schools were in and stated it was urgent for elementary education to introduce gymnastics, but not athletics, this being hurtful.

If we compare with former data those gathered by Covarrubias in his work, it becomes evident that progress was going on, since instead of ten official schools registered in 1794 there were 1,310 in 1843; 4,500 in 1870 and almost double that number, 8,103, in 1874.

Diaz Covarrubias also pointed out that hardly about 2,000 of those schools were dependent on private persons whose initiative was thus shown to be declining, since its working was now weaker than the State's; still weaker was the clergy's, since it sustained only 117 schools whereas 5,200 were official ones; however, nearly all of them were poorly organised being dependent on the municipalities and sharing the wretched state of the same, and were ill distributed between the two sexes, there being only one for girls against four for boys, although at the school age the number of girls and boys must be equal; moreover, there were very few, only 548, mixed schools and hardly 124 for adult men and 21 for women in spite of the fact that almost all the inhabitants above the school age were unable to read.

The whole population of the schools numbering 349,000 pupils, was very small; for the total number of inhabitants of the country being 9,000,000 the fifth part thereof, 1,800,000, were in the age proper to receive primary instruction, Diaz Covarrubias explained the difference by the fact that the rural population was very much disseminated far from the schools, by the lack of adequate means to compel all people to learn and by the insufficient number of teaching establishments.

The sum spent in the year 1874 to sustain the gratuitous primary schools was reckoned to amount to 1,632,436 pesos, two thirds of which proceeded from the municipalities, about 400,000 pesos came from the Central and the States' governments and about 170,000 pesos were the gifts of private persons. Diaz Covarrubias estimated the yearly cost of the education of every child at the gratuitous schools to be 5.41 pesos and at the private paying schools 24 pesos; the latter being frequented by about 50,000 pupils the annual sum spent on elementary schools amounted to 2,820,604 pesos.

To keep these schools more than 8,000 professors were needed, hardly 2,000 of whom were titled; few received a salary of eighty pesos a month, several got fifty, a greater number received thirty and many only ten, eight or even six pesos because of the penury of the governments. On the other hand only the following six States had something like Normal Schools: Durango had an Academy; Guanajuato and San Luis Potosí had each a School for men teachers and another for women teachers; Nuevo Leon had one for men; Sonora also had one for both sexes and the Federal District scarcely owned the Secondary School for girls.

Diaz Covarrubias insisted urging the necessity to create normal schools for the training of teachers of sundry categories; some with lighter studies for less cultured villages and others with more learning for towns of importance. He introduced a bill into Congress on May 25th 1875, but it was impossible to get it accepted under the difficult political conditions of that epoch.

Besides, he suggested it was convenient to intrust primary education wholly to women teachers because their gentleness would prevent education from degenerating into torture instead of being, as light is, a source of enjoyment.

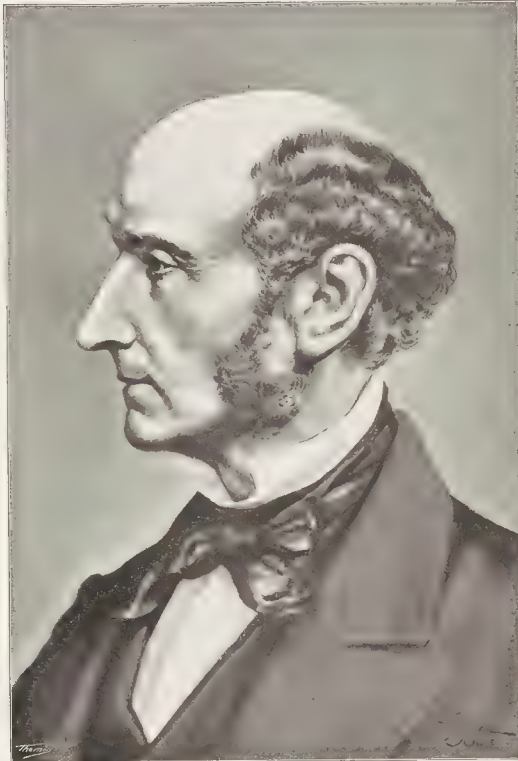
However, Covarrubias could not do more than suggest ideas as also did Dr. Barreda in a pamphlet published about the same subject in 1875; the deplorable conditions of the public Treasury did not allow any realisation until peace was consolidated in 1876 by the triumph of the clever statesman general Porphyrius Diaz who quenching the still existent germs of ambition rendered effective the work of concord initiated by the derogation of the privileges in 1867 and continued by the intellectual unification aimed at by the Preparatory School.

4. Then, after the short time when eminent Ignatius Ramirez was at the head of the ministry of Public Instruction, he was substituted by the learned jurisconsult of an iron soul, Protasius Tagle, who, in order to improve teaching, studied above all the organisation of the German schools of primary education and with the purpose to ennoble masterhood he endeavoured to become acquainted with the same and contrived to know it duly.

He concentrated his exertions on the seven elementary schools which depended on his ministry and at once on those of girls whose norm was the Secondary for young ladies and its primary annex; for all of them he immediately issued the regulations of February 1878 that were the base of those of the schools for boys decreed in 1879; both of them instated the indispensable physical education in the form of gymnastics, vocal music in order to develop the respiratory organs and to lay the foundation of an æsthetic education, objective teaching and object lessons already timidly initiated at some schools, with the aim to complete the education of intelligence; but in the program of the schools for boys they included only rudiments of History and civic information, as also English, that language being deemed necessary to be learned in view of the increasing union of the Anglo-American people with ours.

Tagle distributed these studies in two grades: the elementary grade with three sections and the higher grade comprising two years for girls and three for boys; in this way what was later on called elementary primary instruction and higher grade primary instruction was established by him with the aim that the latter, according to his own words might be «the natural transition to the Preparatory School forming a ladder on which the children might rise gradually and imperceptibly.»

Meaning to develop the referred studies in a sufficient manner he accepted in his regulations the cyclic system in virtue of which the first year comprises nearly all the subjects to be taught amplier in



John Stuart Mill

the following years; and thus he also realised a progress the children receiving simultaneous information about many subjects accommodated to their fugacious attention.

But his work had another merit: for the first time in the Federal District it exhibited, in the said regulations, systematic programs of teaching, first attempt at an analytical organisation of the same and therein all was delineated what in the course of time would be accepted and improved regarding primary instruction.

The said regulations were revised and amplified in 1880 by minister Ignatius Mariscal who improved them introducing «Elements of Physical Sciences and Natural History applied to the uses of life» and characterised more clearly their practical and elementary tendency, but he did not substantially modify them; so, to sum up, we may say that if Martinez de Castro synthetically organised primary instruction and if Diaz Covarrubias explained a part of its analytic procedures, Tagle set them a going and improved them although he was obliged to restrain his work to the narrow dominion of the schools depending on his ministry rendering them a model for all.

He was aware, however, that in order to improve and extend his work it was necessary to go back to the starting point marked also in 1867: the training of adequate teachers and for that purpose he bestowed a special care on the Secondary School for girls; whose program, he was perspicacious enough to comprehend, ought to be completed with courses of Physics and Chemistry and so he instated them although the law had not provided them; moreover he developed the courses of living languages.

He also sketched programs for all the studies at that School and, as a rule, with a happy hit; however he committed the blunder, frequent in Europe, to establish the cyclic system which, although unimprovable in primary instruction, is unfit for secondary teaching, since in this, attention can and must be concentrated upon a restricted number of subjects taught simultaneously.

5. Anxious to improve the condition of woman Tagle also extended his care over the College of the Peace that then scarcely imparted a rudimentary instruction and he succeeded in getting it constituted like the Secondary School for girls and its primary annexed school and that the yearly budget of the Republic allowed it a small subvention, a feeble compensation for the sums former governments had borrowed from that institution; but neither the new program of that school nor the analogous one of the Secondary School for girls which had got, and exercised during fourteen years, the right of issuing titles of teachers of primary and secondary instruction, sufficed to form adequate schoolmistresses: both schools still retained the hybrid character they had by attempting to be training schools and to teach at once arts and crafts, foreign languages, book-keeping and mere accomplishments; so many subjects must needs disperse the energies preventing them from concentrating the whole material, intellectual and pecuniary effort on the training of teachers.

Besides, there was no law laying on the future women teachers the obligation to study the subjects of the Secondary School for girls and therefore hardly any were licenced there, but they continued acquiring a superficial knowledge of primary instruction and of Pedagogy which they hardly displayed before the juries organised by the town-councils.

In order to render the teachers capable to implant the programs, to render it uniform and to prepare the organisation of normal schools, the same Tagle created to Academies of teachers; one of the men intrusted with the national schools for boys and the other of them who kept the schools for girls, whose studies began to be published in a periodical: *The Academy of teachers*, sustained by the ministry of Justice; but as the situation did not improve much, minister Ignatius Mariscal established, in 1880, a class of Pedagogy for the auxiliary teachers of the national primary schools.

6. Such endeavours roused a fructiferous emulation among the other authorities intrusted with the care for instruction: the town-council of Mexico that had three schools in 1845 and ten in 1869, sustained eighty one in 1882. In 1878 it established the competition system to appoint its teachers and in 1882 an Academy of them like Tagle's; in the same year it approved for that Academy the progressionist regulations redacted at its request by the publicists Lewis E. Ruiz, Emmanuel Flores and William Prieto and it convoked prize-competition for text-books.

Tagle's pertinent dispositions were imitated also by several States of the Republic, like San Luis Potosí that in 1879 adopted objective teaching; and as the whole social movement according to Tarde's exact remark, has something of a contagium, Dr. Ildephonsus Velasco, deserved president of the Upper Board of Health, promoted a Hygiene and Pedagogy Congress that in part was but an outcome of the idea which had originated the Academies of teachers and that, in January 1882 gathered sixty three members carefully to study all the fundamental questions of primary Pedagogy from the hygienic standpoint, regarding the buildings, furniture, books and utensiles, methods and distribution of work.

Thus for the first time collective exertion was requested to examine delicate subjects of instruction and although the adopted resolutions were not then enacted as laws, every congressist afterwards diffused the knowledge poured out in the debates.

7. Meanwhile, the State of Puebla, by a happy inspiration of its governor John N. Mendez and his secretary of Encouragement Michael Serrano, realised in 1881 a more efficacious progress: founded a training school for teachers and another for women teachers ere the town of Mexico did so, thus once more inverting the order how progress is produced in the Republic: first in the centre to irradiate therefrom afterwards.



Puebla. — Court-yard of the School of Arts and Crafts

CHAPTER XVI

THE TRAINING SCHOOLS FOR TEACHERS. THE COMPULSORY INSTRUCTION LAW OF 1888 AND THE NATIONAL INSTRUCTION CONGRESSES OF 1889 AND 1891

LICENTIATE Joachim Baranda entered office as secretary for Justice and Public Instruction on September 14th 1882, and in the first of his reports tendered to the Congress of the Union a year later on, he stated «Government's dominant thought» had been and was «that of founding a Normal School in order to create, exalt and duly reward the body of teachers.» Baranda, consistent in this purpose, before two months had elapsed after taking possession of the portfolio of Justice, agreed with the president, Emmanuel Gonzalez, to intrust the great publicist and distinguished patriot Ignatius M. Altamirano with the formation of a project for the organisation of a Normal School for teachers and while his clever commissioner was elaborating his project he stimulated primary instruction both by nominating a school-visitor with the aim better to attend and to unify teaching and by organising an infant school which was one of the first kinder-gartens established in Mexico being placed under the management of the distinguished educationist Mrs. Mateana Murguía de Eguiluz.

Meanwhile the project drawn up by Ignatius M. Altamirano was concluded and therefore progressionist minister Joachim Baranda requested the Congress of the Union, on May 12th 1885, during the second

presidential term of general Diaz, to decree the establishment of the Normal School for teachers and to approve the spending of 100,000 pesos which sum was to be included in the budget of the following fiscal year for the setting up and sustenance of the school.

Congress, for its part, imbued with the conviction it was indispensable to carry through the great work proposed to its approval, decreed the creation of the training school on December 17th of the same year, and allowed the sum it had been asked for; and then the promoter of the idea prolixly discussed the wording of the project with the great writers Ignatius M. Altamirano and Justus Sierra, and with the distinguished pedagogues Emmanuel Flores and Lewis E. Ruiz, as well as with the cleaver professors Michael E. Schulz and Emmanuel Cervantes Imaz, and with Michael Serrano, the promoter of the Puebla School as well as with other distinguished persons.

2. As a fruit of such discussions there appeared at last the regulations of October 2nd 1886 by dint of which the normal studies were established, divided in four years and two annexed schools were created: an infant school and a primary one; the edifice of the former St. Theresa convent was totally modified in order to settle there the new establishment which was solemnly inaugurated at the beginning of 1887 under the direction of Lic. Michael Serrano and the collaboration of so distinguished men as the great orator Altamirano who made his class of superior Lecture a perpetual opportunity for infusing the most refined good literary taste and his chairs of History an inspired pretext to form true patriots.

The Normal School continued being sustained by the liberal and enthusiast support of its eminent founder Joachim Baranda who largely endowed its laboratories of Physics, Chemistry and Natural History, fully furnished its annexed schools and shunned no exertion to forward its progress.

The laudable wish to bestow on the pupils the largest sum of knowledge in the shortest time possible brought about, for the first, serious difficulties; the regulations of the studies had prescribed fourteen subjects for the first normalist year, thirteen for the second and eleven for both the third and the fourth year; in consequence thereof the courses were utterly difficult and this difficulty was still increased by the fact that the subjects were not prescribed in a logical order, since, for instance, in the first year the pupils studied simultaneously Arithmetics, Algebra, Geometry, Mechanics and Cosmography.

The director of the School became immediately aware of the evil and in the year following the foundation he begged to be allowed to distribute the subjects among the various years in such a manner as experience would advise; but the minister Joachim Baranda could not see his way to grant that wish, for to be sure he comprehended that doing so would be equivalent to suppressing all scheme.

In the same manner as the anxious craving to form the aptest teachers in the shortest laps of time had overloaded the normalist department, the primary school annexed to same was encumbered: not in virtue of the regulations that only disposed six years of cyclic studies with less subjects than those now exacted for elementary and higher grade primary instruction, but regarding the programs of the said subjects and the relative distribution of time; indeed, those programs of 1887 established the rule that the study of French was to begin with the first year, although this was not an easy task for the incipient aptitudes of the pupils; they also ruled that in the sixth year of the same primary instruction «a methodical and profound survey of general history» should be made.

Notwithstanding, in spite of the excessive overcharge of the normalist plan of studies, in spite of the not less ample range of the annex primary school and in spite of the error of having instated at the Normal school an infant school unfit to serve for the practice of the future schoolmasters, since it is not they but women-teachers who ought to manage kindergartens, a just applause was due and is due to the ministry that created the Normal School for teachers and that organised programs for the same and its two annexes endowing them splendidly: the necessary successive improvements were the work of time.

3. However the task was not fully achieved as long as the Normal School for women teachers was not created; the natural nucleus for its organisation being of course the Secondary School for girls which had begun to realise that aim ever since 1869 although imperfectly and mingling its teaching with that

of arts and crafts which rooted still deeper in 1885 by the foundation there of classes of telegraphy and galvanoplasty.

The same minister Joachim Baranda placed himself likewise at the head of the indispensable movement to organise the Normal School for women teachers and in consequence named a Commission formed by the gentlemen Lic. Michael Serrano, Julius Zárate and Emmanuel Peredo.

This Commission handed its report at the end of November 1887 and at the sight thereof, in the middle of 1888 the founder of the Normal School for teachers introduced his plan into Congress and got therefrom sufficient authorisation to transform the ancient Secondary School for girls into a training school

for women teachers. The relative regulations, however, were not issued until 1889 December 21st and in consequence thereof the classes of the new establishment were not opened before the first month of the following year.

Unluckily, also at this school the laudable desire quickly to bestow knowledge and the circumstance that nobody contrived to think the courses might be shorter than of a year, was the cause that in four terms the subjects were agglomerated with excessive overcharge and in a manner almost as defective as at the Normal School for teachers. Besides, the strong roots taken at the old Secondary School for girls by the useful informations outside the plan of the instruction to be imparted, caused them to be kept up, thus absorbing for their own advantage the energies and resources preferentially due to the training school. But at any rate the creation of that school satisfied an enormous necessity and completing its work



Joseph Eleutherius Gonzalez

by means of the annex schools for the practice of the normalist pupils, one of primary instruction and another of infants, it at last absorbed the infant school which had been established also at the training school for teachers.

4. Thus, the two creations of the clever minister Baranda, came at last to provide a pedagogical instruction for men and women teachers and it became possible to derogate the faculty exercised up to then by the town-council of Mexico to bestow titles on persons who scarcely revealed insignificant knowledge; both normal schools began very soon to form new teachers much more accomplished and although it is true that the school for men teachers was from the beginning less frequented, certainly for the reason that man has many destinies opened to him and feels no attraction for the scanty retribution granted to the hard toils of teachership, an artificial interest for the career of the schoolmaster was cultivated by granting pecuniary pensions, by stimulating year after year the governments of the States soliciting them to send pupils and several came thanks to such excitations: among them there was the

VOLUME FIRST

— — —
National education

Morelia. — Boarding school of the Academy for girls



intelligent Gregory Torres Quintero and deserving Victorian Guzman; having obtained their title they returned to the State that had pensioned them, Colima, and there they put into practice for the first time the pedagogical methods of teaching; Gregory Torres Quintero became Inspector general of Primary Instruction; to him we owe the progressionist law of instruction now valid, as well as the corresponding regulations for schools and not satisfied therewith he has diffused moreover the good ideas about the subject of teaching by publishing a valuable periodical paper on education.

5. While so many and so good effects were caused by the foundation of the normal schools at Mexico, several States made remarkable efforts to found also analogous schools and the States of Oaxaca and Veracruz must be mentioned as those which carried through that meritorious purpose, about the same time as the capital of the Republic; the latter State established its longed for institution in the picturesque town of Jalapa amid the rich splendours of tropical vegetation and had the lucky chance to get as director an eminent pedagogue, the learned Henry C. Rebsamen, come over from Germany partly by his own spontaneous initiative and destined to be one of the cleverest formers of the body of elementary teachers of the whole Republic, since a multitude of persons procedent from various States of the country have received his beneficial influence.

6. That progress was not enough, however, as long as there was no actual law enacting efficacious measures to render primary instruction compulsory nor any dispositions which improving the elementary schools drove them all towards a greater progress than that particularly due to eminent Protasius Tagle's initiative, a progress destined to be brought about by the new offspring of the normal schools.

The Commission of Public Instruction in the Chamber of Deputies, among whose members were conspicuous Justus Sierra and the distinguished Julius Zárate as also Leonard Fortuño, doubtlessly conceiving things in this way, deliberated, on October 8th 1887, about the imperfect, but fundamental ideas explained in great Martínez de Castro's old law about primary instruction, the dispositions consigned without any sanction by the Civil Code of 1870 in virtue of which the obligation to educate their children was laid on parents and guardians; Joseph Díaz Covarrubias' stricter indications about adequate sanctions to assure compulsory instruction and objective teaching; the modest but meritorious and happy essays to organise programs and to divide primary instruction into two degrees, an elementary and a higher grade, due to Protasius Tagle and the practice Joachim Baranda endeavoured to maintain of granting the municipalities of the Federal District allowances to foster their schools, gathered all this to form an harmonic complex and introduced a bill that highly honours its promoters.

On May 23rd 1888, that bill became a law although curtailed in some of its great tendencies; it stated in an explicit manner the principle that elementary primary instruction ought to be compulsory as the law of 1867 had it, since, according to father Didon cited by the authors of the bill «in our century craving for science every one wishes to learn, every one can learn and every one must learn;» but in order to secure this compulsory character, it was established, in even more express and more universal terms than had been done by the mentioned law of 1867, that instruction should be gratuitous so that nobody might excuse his want of knowledge by his lack of resources and it provided, too, in a peremptory manner, that teaching should be *laical* i. e. neutral in religious matters in order that nobody might reject it under the pretext that by means of it attacks were made at the liberty of conscience.

Moreover, in order to insure the compulsory character of instruction, the law disposed that schools were multiplied, one for boys and one for girls for every 4,000 inhabitants; there should be others without a fixed settlement, intrusted to itinerant teachers who ought to visit periodically the smaller hamlets far distant from well settled schools; unluckily, by prescribing that those schools ought to be founded by the municipalities, they were commended to the least rich authorities excepting those of the capital and last stable, since they are renewed every year; this defect was partly corrected by the providence that government should grant those schools subventions and in this way it accentuated the progressive absorption of teaching by the Executive power; this absorption became still more marked by the fact that it was made incumbent on Government to formulate detailed programs in order to fix the characters of ele-

mentary primary instruction and distinguish it exactly from the higher grade whereby the whole intellectual direction was handed over to Government to be exercised by means of two different groups of authorities viz: vigilance councils to look that in every municipality the law was enacted all parents and guardians sending their children to school under the penalty of paying small fines or suffer several days of arrest and a body of inspectors directly dependent on the minister of Justice and charged to form the school statistics, to procure the exact fulfilment of the laws and in a certain manner to unify instruction.

The law of 1888 was remarkable not only because it thus established the bases on which to obtain effectively compulsory instruction and because it vigorised the movement tending to place primary instruction organised by the municipalities under the material and moral direction of the ministry of Justice and Public Instruction; it was notable, besides, because it expressly established the obligation of founding elementary and higher grade primary schools such as actually were being founded; but the bill had been ampler still than the law itself for whereas the bill stated the Executive was obliged to establish infant schools, the law suppressed that obligation, although such schools had already been successfully established both by the town of Mexico and by minister Joachim Baranda and in spite of the infant schools first step of the instruction of childhood, are more necessary still in nations so prolific, poor and little enlightened as ours; nations where the families are materially and morally unable to attend to their children and where, besides, there are numerous children without a family properly so called.

The law of 1888 very wisely fixed the subjects to be taught: it explicitly combined reading with writing, suppressed grammar and supplied it with the national language, not pure Spanish, but Spanish modified by our physical and social medium, by the remnants of the half disappeared civilisations and by the creations which the mutual compenetration of the races had caused to rise in Mexico; it prescribed moreover, geometry as an independent subject; it providenced, as was done in anterior dispositions that arithmetic should be taught and the legal system of weights and measures; the physical and natural sciences in the form of object lessons; National geography and history together with gymnastics. On the other hand it also disposed what had been established by the valid regulations: that girls should be taught needle work and that military exercises should form a part of the higher primary instruction of boys.

However, this vast and harmonic scheme did not attain the proportions it ought to have had: it did not prescribe the manual work for boys, although they had been introduced as I already stated, by the ephemeral law of 1867 and under the wise protection of Joachim Baranda had began to be established by the deserved professor Emmanuel Cervantes Imaz at one of the national schools; it did not provide them although they were pointed out in the bill of Mr. Sierra, Zárate and Fortuño with the character of handling the tools of mechanic crafts which was also the character given them in Martínez de Castro's great law.

On the other hand, the law of 1888 was inferior even to what it ought to have been and signified a retrocession in so much as it did not prescribe the teaching of singing, most important not only as an element of æsthetic culture but also of development of the respiratory organs and in spite of having been established already by Tagle in his famous regulations of primary schools and ratified by Baranda regarding the primary school annexed to the normal school for teachers, thanks, above all, to Ignatius M. Altamirano and in spite of being repeated by the bill itself of the afore mentioned Sierra, Zárate and Fortuño.

7. The law of 1888, in spite of these shortcomings marks an ostensible progress in the ideas dominant about education matters when the law was promulgated; but one of its articles provided the law should not be enacted until a year after the Executive of the Union would have issued the corresponding regulations; now, Government, soon after, had the fecund idea to attempt a unification of teaching throughout the country by means of an Instruction Congress with representatives of all the States and therefore the regulation of the law of 1888 was put off until after that Congress deferring until then also any improvement in the normal schools and any modification regarding the remaining educational institutions.

8. Thus, summing up, we see that the colossal work of organisation of instruction, begun with so resolute an endeavour of the National Government in 1867 and partly enacted regarding the National Preparatory School at the cost of more than fifteen years of terrible combats, had been marred in that very

School particularly in virtue of the dispositions issued in 1873 and 1881, whereas, on the contrary, it was gradually improving by becoming more specialist regarding professional instruction and in relation to primary instruction now working its plans more analytic under Tagle's influence, now explicitly prescribing education to be compulsory, gratuitous and laical so eloquently defended by Sierra, now establishing, at length, the corner stones of the edifice, the training schools for teachers, under the eager initiative of Joachim Baranda.

9. It may be noted, besides, that if in some matters such as the foundation of normal schools or in others such as the explicit establishment of compulsory instruction or in still others as the keeping up of uniformity in the preparatory studies several of the States had outdone the capital of the country, this was far from being general and particularly the good methods were far from being well known: therefore, the Federal Executive's initiative to gather an Instruction Congress was most useful: it is true such a Congress was unable to legislate, since this is incumbent on other collegiate bodies of the Republic, but they might deliberate on ideas, propagate the same, formulate resolutions to be directly proposed to the different governments and indeed, it might be a sort of supreme speaking trumpet of the best educationists in the Republic.

And so it actually happened: each political entity of the nation named its representatives for the said Congress; it was attended by the directors of the most important teaching establishments of the Federal District and having been convoked by the Executive it was the great public-spirited Porphyrius Diaz, under whose shade the country has advanced by giant's steps, who presided over the opening and the closing sessions; his distinguished collaborator, minister Joachim Baranda, in his character as a honorary president, delivered the corresponding welcome and farewell speeches.

To organise those tasks Government formulated well meditated lists of queries and Congress named from amid its members expert commissions; work was begun at the end of 1889 under the actual presidency of Justus Sierra, the promoter of the law of compulsory instruction, promulgated in 1888; but as the Congress was to resolve not only all about the general organisation of primary, secondary and professional instruction, but was expected also to formulate analytic programs, to settle exactly the adequate conditions of the school edifices and deliberate about the instruction of adults and even about the teaching of country people, it was unable to achieve that immense task although it met a second time to continue its sessions at the end of 1890 and prolonged its meetings until February 28th 1891.

At any rate those sessions were actual lectures of applied pedagogy delivered in masterly speeches by Justus Sierra himself; by intelligent Emmanuel Flores, intrusted with the teaching of the art of educationist Dr. Lewis E. Ruiz who some time ago had been urging the town-council of Mexico to forward



Henry C. Rebsamen, distinguished educationist

instruction and by Dr. Porphyrius Parra, one of Dr. Barreda's most renowned disciples. When both Congresses had arrived at the end of their sessions they had formulated some in general terms very adequate programs for elementary and higher primary schools and had attempted to organise the teaching of adults, of infants, of the normal and the preparatory schools; thus, although the Congress did hardly busy itself about higher instruction, its deliberations were of the greatest importance; however, it cannot be said to have proceeded in all subjects with equal wisdom.

10. The great achievement of the Congress consisted, as for primary instruction, in formulating the programs of the infant schools, for children from four to six years, all of them commended to the delicate and tender care of women teachers; in formulating equally the programs of the schools of compulsory instruction for pupils between six and twelve years, with about the same subjects as those marked by the law of 1888; in sketching the programs for the higher grade primary schools, accentuating and improving the characters Mr. Tagle had begun to give them when he was minister of Public Instruction and in pointing out the characters to be possessed by the rural schools for small villages, by the itinerant teachers for hamlets and by the schools for adults.

Two features are quite distinctive of the movement then rendered more intensive by the Congress but existing before regarding primary instruction: the first and fundamental one is the wish to multiply schools by all means, to bring them to the smallest hamlets or at least to get the most forsaken spots periodically visited by the itinerant teacher (a poor resource). The second feature is the wish to supply instruction by education and to get it produced by developing the body by means of physical exercises; by teaching how to see by means of drawing; how to hear, how to breathe and how to emit sounds by means of singing; how to utilise the hands by doing manual work; how to perceive the physical world and the organisms that surround us, by means of object lessons; how to think by practising ratiocination in the study of arithmetic and geometry; to love one's country and humanity by studying geography, history, morals and civic instruction and how to communicate with other men by the numerous exercises that under the synthetic name of National tongue teach how to speak, read and write the language. In order to realise these aims the Congress of Instruction advised, as I have already stated, the establishment of infant schools destined to initiate physical, intellectual and moral education simultaneously in their different forms, but without touching reading and writing, the learning thereof not being adequate to the little age of the infants to be bred; it provided immediately that primary education should comprise, also simultaneously, physical, intellectual and moral breeding and developed the same complex of subjects in the programs of the higher grade primary instruction, thus following the cyclic system adopted with anteriority in the Federal District, and not aggregating any other new subject of teaching than political economy and manual work which had already been hinted at before, whereas the French and English languages were merely left as subjects of a voluntary character.

11. After thus stirring, discussing and resolving the problems of primary education, wisely in general terms, the Congress of Instruction, not the first but the second, studied carefully the problems suscitated by normal teaching; they saw quite clearly it was urgent to facilitate the studies by dividing them in two categories as it had already been initiated by the law of 1867: teachers of elementary primary instruction and teachers of the higher grade primary instruction; for the former they fixed only a three years curriculum comprising all that was necessary to impart the physical, intellectual and moral education at the elementary schools; for the latter, the program was duly amplified and distributed over five years; but with the aim of alleviating the learning for the women teachers and to render them more capable to fulfill satisfactorily the multiple and delicate tasks of woman, the studies were distributed over four and six years respectively instead of three and five years.

The members of the second Instruction Congress thus marked pretty clearly two fundamental tendencies: to abbreviate the studies forming therewith two groups in order to set them at the reach of them who had more or less leisure to dedicate themselves to study; to alleviate, too, every year of teachings in order to place them at the level of any intelligence.

VOLUME FIRST

National education

Lic. Joachim Baranda

SECRETARY FOR JUSTICE AND PUBLIC INSTRUCTION



These two aims answered one sole ideal: multiplying the teachers; and in order to attain it, the necessity was urged to instate normal schools in each of the States of the Republic, all uniform, in order to make primary teaching rise to a higher level everywhere; they also repeatedly stated it was urgent to raise the scanty salaries of the teachers, for otherwise the training schools would remain void through the want of a stimulus for the careers taught therein and at the best, the schools for the young misses would be frequented these being more resigned and less enterprising.

However, multiplying the schools and raising the salaries not being enough to have good teachers, the Congress expressed the desideratum that every training school for teachers should have a primary school annexed for the practice of the pupils and every normal school for women teachers should be supplied with an infant school where to acquire the necessary practice in the management of infants.

The second Congress, in its generous endeavour to facilitate education, procured to exempt teachers from the obligation to study political economy or it had procured to exempt from the same task the girls of the higher grade primary schools, not considering that the main phenomena of the production of wealth ought to be understood by both capitalist and workmen of both sexes as well as by both male and female tax and rate payers; but besides this slight blemish two others may be found in the second Instruction Congress' resolutions regarding the normal schools: it failed to distribute the studies over a number of years and to indicate what subjects corresponded to each and to what degree, its work therefore remaining truncate in a most delicate part; nor did it organise the specialty of women infant teachers, overcharging instead with the special studies of these the curriculum of women teachers in general and in consequence thereof retarded the future evolution of the kindergartens which as I stated, were called to satisfy more urgent needs in Mexico than in many other countries.



Joseph Ortiz Monasterio, distinguished educationist

12. In spite of these shortcomings the work realised by the Instruction Congresses is strong and healthy in the part relative to normal teaching; strong and vigorous it is also in matters concerning secondary studies, although there be some flaws, soon to be found out by a brief analysis; indeed, obeying to the same fundamental tendency that animated the work of both Congresses, the plan schemed for the National Preparatory School was well devised because it prescribed the uniformity of studies throughout the Republic, the question being to obtain properly a *national* education; because it comprised, moreover, not only the intellectual education but also physical and moral breeding like what was aimed at in the primary schools, and because it attempted at embodying in its domain literary education. In order to strengthen the great principle of the law of 1867, that of uniformity of the fundamental studies for all the scientific professions, it constituted as a skeleton of instruction, the complete series of the sciences: Mathematics, Cosmography, Physics, Chemistry, Biological sciences, Psychology, Logic and Social sciences; in order to secure the perfect intellectual education, it insisted, as the law of 1867 did, in excluding Metaphysics and Theology and in classifying the scientific studies according August Comte's principles; in

order to attend to physical breeding it expressly prescribed adequate exercises and in order to facilitate all these aims it suppressed Latin as a compulsory study, reducing it as also that of the Greek language to the study of the roots which was held indispensable.

Thus it harmoniously amplified not only the maimed organisation resulting from the manifold attacks of the enemies of Dr. Barreda's work but even the very work of the founder of the Preparatory School. However, although increasing to six years the number of the necessary ones for such studies some were to be superposed defectuously, as it happened with the sixth year that included together the biological sciences and psychology, logic and morals, thus breaking the rigorous ladder of teaching; on the other hand the mistake was committed to teach cosmography first and only a year after the rudiments of mechanics whose study ought to have preceded; such flaws, however, destroyed not the real qualities of the plan I am analysing which reveal, in its creators and particularly in the head of the respective Commission, competent Dr. Porphyrius Parra, a clear knowledge of the matter he was called to treat.

13. The immense work thus traced by two National Instruction Congresses and which found an eloquent word in the masterly speech of Justus Sierra, was completed by brief indications about the convenience of keeping up the gratuitous character of preparatory instruction and of multiplying the special schools including also those that were works of charity or of the wish to prevent misdemeanours.

Nearly all of what the Congresses advised in their resolutions, had been thought before, had been told already and for a great part had begun to be planted in several spots of the country; but the best educationists having met to vigourise their ideas in the midst of these Congresses and dispersing afterwards throughout the national territory they went to infuse everywhere the ideas defended by them and to spread thus the good news. So it behoves us now to investigate what effects such a pedagogical evangelisation produced in the Republic.



State of Veracruz. - Jalapa. Normal School

CHAPTER XVII

INCREASING PROGRESS

AND PRESENT STATE OF THE NORMAL SCHOOLS IN THE REPUBLIC

AFTER the closure of the National instruction Congresses their good effects began immediately to be felt in primary teaching and soon after in the Normal and in the Preparatory Schools; but these latter being intimately linked, I shall first point out the evolution produced regarding the normalist teaching and thereafter I shall explain the progress realised in primary and preparatory instruction.

In the capital of the Republic the progressive plantation of the constitutive regulations of both normal schools had made people aware of the insufficiency of the time allowed for the studies which were found too much agglomerated; and on the other hand it had become clear that the professional examinations ought not to be theoretical only, but practical, to stimulate the pupils with the purpose to get them fully apt for teaching when they would acquire their titles as teachers.

Both necessities and that of including in the program the most useful course of Manual works wanting at the beginning, were attended to by the Ministry of Justice and Public Instruction issuing the reorganisation of the training school for teachers on May 27th 1892; in virtue of this reorganisation the studies were distributed over five years instead of four thus alleviating the pupils in their toils; besides manual work was introduced the tools for which had begun to be acquired in 1890 and it was enacted that the training school pupils, from the first year of their studies should observe the methods followed at the annex primary school in order to make essays of teaching from the second year and even of managing schools in the fifth year. With this and the introduction of a practical probation as a constitutive part of the professional examination the plan followed up to then was greatly improved and besides the

necessity was rightly urged of granting the study of the methodology of each subject a special preference; but in spite of these quite becoming improvements and of others like that of not studying simultaneously arithmetic, algebra, geometry, mechanics and cosmography, the necessity not to prolong teaching too much and the fact that the idea occurred to nobody the courses might be of less than a year, were the cause that they distributed over only five periods a greater number of subjects whose teaching ought to be successive unduly, joining several of them as when they prescribed for the first year arithmetic and physics; for the second algebra and chemistry; for the third geometry and Natural history and for the fourth logic and cosmography.

2. It being impossible to teach with good results physics, chemistry and Natural history to persons not having learned their mathematical fundaments, it was necessary to introduce an other reform that was decreed in the following year on December 19th; but although arithmetic was now the only fundamental subject for the first year and algebra and geometry for the second, in the third there was a crowding of cosmography, physics and chemistry and in the fourth of botany, zoology and logic, always in virtue of the fact that by the establishment of yearly periods the studies could not possibly be rigorously disposed as a ladder there must needs be only five groups.

3. At any rate there was an undisputable progress made in the organisation of the training school for teachers by the regulations of 1892 and 1893; it was still further improved by the prescriptions enacted by the diligent director Michael Serrano, now disposing that the normal scholars should study the psychological characters of the pupils of the annex primary school, now attempting to destroy the somewhat aleatory character of the examinations to which purpose he provided that during the year frequent and rapid reconnoitings should be made to become aware of the pupils degree of advance and to utilise these data at the time of the annual examinations which were kept like the professional ones because they compel to synthetically sum up the acquired knowledge; on the other hand, the same director also ruled that the said examinations should comprise a written proof which enables better to estimate the progress made; a practical one, indispensable at a school where constant exercise is the very soul of teaching and an oral one which perhaps may be considered supererogatory.

4. The praiseworthy improvements introduced in the establishment I am speaking of, the eager endeavour with which it has always been attended to by its founder Joachim Baranda, the wise disposition taken in 1890 that the infant school annexed to it should cease to absorb part of its energies and be ascribed to the normal school for women teachers, all this has not been enough sufficiently to multiply the number of the pupils: during the year 1889 only three got the title of teachers and in the preceding years the figure of those titled by that school had also been small: four on an average, forty nine in the space of thirteen years; in 1900 there were hardly fifty eight pupils, twenty nine of whom inscribed for the first year; but several of them to be sure will disappear soon, as it has happened in former years; for in the preceding year, out of twenty two inscribed only seven passed their examinations, four of them being disapproved; as for the following courses there were scarcely seven in the second, seven in the third, five in the fourth and ten in the fifth: in sum, fifty eight, twenty eight of whom lived on allowances bestowed on them either by Federal Government or by one of the States; one of the courses, the fourth, as I have just stated, had only five pupils, all of them pensioned, none of them self supporting.

What may be the cause of such a disdain for that great School sustained with so much endeavour by Government and counting a director, twenty professors, three preparers and six assistant teachers, implying a yearly cost of 40,000 pesos, without the annexed primary school? Why is only this latter considerably frequented, since in the same year 1900 there were 364 pupils attended by one director, one subdirector and eight professors, causing an expenditure of about 10,000 pesos? What is the reason why only this annex school is really fructiferous being a true model school whose sole defect of any moment consists in not having accepted yet all the last advances of the recent laws on primary instruction, in virtue of having been maintained with a certain special character?

There can be no doubt, as I have already stated, that this state of things is due to the fact that the

prospects offered to the future primary teachers do not yet compensate the exertions required for their education; in the Federal District, according to the present budgets, they will be obliged to teach, in the morning and in the afternoon, a big number of pupils for only 40 pesos a month in the town of Mexico and 25 in other towns, or if they are fortunate and after great exertions obtain the rank of directors, their retribution will still be scanty: 65 pesos and lodgings in the capital of the Republic and 40 with a dwelling in the prefectural towns; only a few can succeed in becoming teachers of the small number of schools of higher grade primary instruction with 50 pesos at the best or directors of same with 100 pesos a month as the highest allowance.

Things being so, it is easy to understand that the Normal School for teachers has not had so many pupils as one might wish there were; no doubt, an increase would be obtained by establishing a shorter curriculum for teachers of elementary primary instruction, as the law of 1867 and the second Instruction Congress indicated and this would also be facilitated if the present studies with some improvements in the order of the subjects were exclusively reserved to higher primary instruction; there will be no actual progress, however, unless the appointments are raised still higher than they have recently been, a thing which the former agonising situation of the treasury never allowed to do in a sufficient degree, but which will be done the Mexican public finance going on thriving.

5. Meanwhile, the Training School for women teachers unceasingly and with ever increasing energy supplies the small contingent furnished by the Normal School for men teachers; its curriculum being also modified in virtue of the dispositions promulgated on May 25th 1892 the subjects were equally distributed over five years; and although it is true that by the fact of establishing only five terms and of making them continue being annual ones, there resulted analogous defects as those produced in the organisation of the Preparatory school and the Normal College for teachers, since there were to be taught simultaneously in the second year geometry and cosmography, in the third Physics and Chemistry and in the fourth Natural history and psychology, the study of which ought to have been made in a successive order; nevertheless, the new curriculum alleviated the formerly too heavy courses and improved them in consequence thereof.

6. The course of useful informations wasting energies that ought to be spent only on normal studies, subsisted and is still subsisting, for only a part thereof has been suppressed afterwards or transferred to the National School of arts and crafts for women where the classes of telegraphy, galvanoplasty and boxmaking were introduced; but in spite of this defect less and less considerable and of those before mentioned, and also of several others of less moment, the Normal School for women teachers has admirably answered the purpose of its institution: it has at present thirty seven professors and two preparers and costs more than 50,000 pesos without counting the annexed schools whereof the primary one reckons twenty three women teachers and costs 17,000 pesos while the infant school has nine mistresses and causes



Michael Serrano
Director of the Normal School for teachers

an expenditure of 8,000 pesos; so that the whole school, with its two annexes causes an outlay of more than 80,000 pesos a year. This establishment is rightly considered as the unique one for the intellectual education of the Mexican misses; many of them frequent its classes unwilling to be teachers whereas others, those of the middle class, ambition to cash the retributions allowed to the mistresses of primary schools deeming them sufficient for persons who hardly have another chance honourably to satisfy their needs. So it happens that more than 200 have acquired their titles in the course of the ten years elapsed since the institution was started or in other words, more than 20 every year who then go to live in out of the way villages, not reached by any railway, and where they sometimes meet backward and hostile inhabitants and sacrifice their whole life for 20 pesos a month in the mixed schools or for retributions analogous to those I stated as being allowed to men.

The enthusiasm which characterises them in this difficult exertion, never fails: in the year 1900 there were 599 girls inscribed at the Normal School for women teachers, both of whose annex schools, justly also considered model ones, show too an extraordinary frequency: 797 pupils at the primary and 363 at the infant school.

Thus it appears clearly that primary instruction in Mexico like other cultured countries is destined to be imparted more and more exclusively by the delicate, endearing, maternal hands of women and it is not to ask much when we expect them to have their self-denial rewarded with more and more equitable appointments; the feeble women who go to the villages most remote from the material and intellectual movement in order to create with the efficaciousness of their words and the spell of their bounty, the light of science, ought to have their last days insured by means of pensions, as it has already been established, to be attended at any moment, to be helped when disease lays them down, to have savings-banks founded for them, such as have already begun to be organised and to get their slender retributions progressively increased.

All these needs, it is to be hoped, will be efficaciously satisfied ere long, at least in the Federal District which is the richest and the fundamental law will be improved for a better classification of the teaching subjects. Meanwhile, minister Joachim Baranda may justly feel satisfied for having founded and sustained the two normal schools, sound foundations of the edifice of instruction.

7. The States, for their part, also have multiplied their analogous schools, especially after the closure of the Instruction Congresses and under their influence there are now existing in our Republic forty five establishments dedicated to the training of teachers, twenty two of them for men, twenty one for women and two mixed ones for both men and women teachers. It must be stated, however, that most of them have no independent life, as many of those for men teachers are organised in the preparatory schools and nearly all those for women teachers act at the same time as secondary schools and as schools for arts and crafts.

Only several States like Sonora, Morelos and Colima, lack training schools for teachers and a very few have not even normal schools for women teachers. In exchange, some like Veracruz and Jalisco, have sundry normal schools and several have adopted the division of the teachers into different categories better to fit them for the diffusion of instruction according to their different range of knowledge.

In general terms, however, the same phenomena to be observed about this particular in the Federal District, may be seen happening in the remainder of the country: a greater frequency of girl pupils than of boy pupils, of women teachers than of men teachers; 6,600 misses approximately, in 1895, among a total number of 12,800 persons occupied in teaching; progressive predominance of woman in primary teaching, want of a strictly methodic arrangement of studies and very slender appointments, especially in the poorest villages of the country.

The remedy, therefore, must be applied not only at Mexico, but not less vigorously in the States which may boast of counting establishments like the Normal School of Jalapa or the Lyceum for girls of Guadalajara which cede the place of honour only to the two great schools founded by Mr. Baranda.



Monterrey. — Civil College of the State of Nuevo Leon. Secondary Education Institute

CHAPTER XVIII

SUCCESSIVE IMPROVEMENTS OF PROFESSIONAL INSTRUCTION UP TO 1896 AND OF PRIMARY TEACHING UP TO THIS DAY. ITS PRESENT CONDITIONS

WHILE thus the training of teachers was being constituted throughout the Republic and before definitively organising compulsory primary instruction, Government proceeded to concentrate under its direction the schools of the Federal District which, born by private initiative, had come to be sustained almost exclusively with public funds and, nevertheless, conserved their primitive and already caducous organisation. They were the Lancasterian Company's, downright anachronisms in face of the new masters and the new methods, because they kept the old model of mutual teaching, had fallen into public discredit and saw themselves abandoned when the ministry for Justice took those of the Federal District directly under its care, nationalising them on March 29th 1890.

Two days later on, the first Instruction Congress closed its sessions and so its debates were of the greatest importance both regarding the organisation of the material part and the furniture of the nationalised schools and the settlement of their educational schemes.

2. Something more was to be done, however: the law regulating that of 1888 was to be issued in

order to inaugurate at last the physical, intellectual and moral and at the same time gratuitous, compulsory and laical education furnished with the opportune sanctions that would render it effective.

Government thought it would be better still to be authorised by the Chambers to formulate the relative law in all its parts; the Chambers granted that authorisation and at length, on March 21st 1891 the ministry of Justice, then at the care of Mr. Baranda, issued that law which was to be enacted in January 1892.

That law amply turned to account the indications of the first Instruction Congress; it accepted its programs, its rules for the distribution of time, the sanctions established by the Congress in order to make instruction reality and wishing that not only the schools sustained by the ministry but also those dependent on the municipalities of the Federal District should benefit by its influence, it extended the same over them, formulating, however, with that aim some programs easier to be carried through in villages of smaller resources.

Moreover, in order to secure uniformity of teaching a body of directors was organised composed of officers and professors dependent on the Secretary for Justice and of others depending on the town-council, as also of some of the private teachers having adopted the programs of the law.

On the other hand, numerous vigilance councils were established committed to make use of the statistics polls formed by the municipal authorities, with the purpose to procure that every child received its adequate education and thus it was the first complete law and fully satisfactory in nearly all its items, integrated thereafter by important regulations, but which, unhappily did not yet include manual training, so that it left physical education truncate nor did it lay down the basis for the future industrial education.

3. On May 14th 1892, dispositions were also issued relating to adult schools dividing them into two groups: on one hand the *supplementary* schools destined to impart primary instruction to those who had not been able to acquire the same in their adequate age and on the other hand the *complementary* ones to amplify the elementary instruction especially in drawing, English language and information about arts and trades; both kinds were evening schools and as the Ministry of Justice and public Instruction having formerly sustained only two of those schools, one for men and the other for women, now founded four more, its endeavour to raise the intellectual level of the working class became obvious.

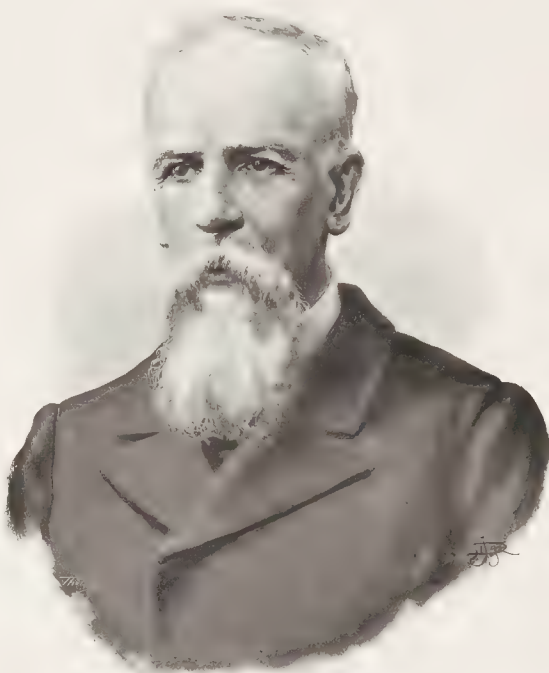
4. The whole new organisation of primary instruction had, however, two grave defects, reducible to one sole: the first was that by commending to a collegiate body the intellectual direction of primary instruction, it was deprived of cohesion, energy and quickness in its acts; the second was that rendering many schools and among them the supplementary ones, dependent on the municipalities as a rule very poor, a great number of them was allowed to be rather inefficacious. Both effects might be reduced to this one: *want of unity* and they had a sole remedy: placing all the national primary schools under the directorship of one sole individual named by the minister of Justice and Public instruction.

This, however, was not done from the beginning, probably because to do so it was necessary to overcome the susceptibility of the municipalities which were unwilling to abandon one of their noblest and traditional functions and which continued making laudable efforts to improve the conditions wherein instruction was imparted; ever since 1889 the municipality of Mexico had named a technical inspector to care instruction was well inculcated and as it understood that the annual renovation of the town councils was a hindrance to obtain solid progress in learning, it resolved, in August 1895, at the motion of the progressionist pedagogue and then mayor of Mexico Lewis E. Ruiz, that directors of Municipal instruction should be created.

5. However, that resolution was never planted because it was overreached by innovations of greater moment: the impost of the alcabalas had been a legacy of the colonial epoch, existing in the country during several centuries and being laid on merchandise at their entrance into each of the interior custom houses of the States of the Republic thus extraordinarily difficulting commerce. Several laws had already ordered the suppression of the excise duties, but the great difficulties presented by any substitution of one tax for another had caused the suppression to be always put off; the excellent conditions public finances have now reached under the administration of general Diaz and his able minister of Finance, Joseph

Ives Limantour, permitted at last to do away with the excise duty and so its abolishment was decreed; but this measure implying the disappearance of a quite considerable part of the revenue of the municipality of Mexico, since not a small portion of the produce of the said impost was assigned to the town, it was necessary to repair this alteration of equilibrium and it was counterbalanced, indeed, by two means: by granting the municipality other imposts and by alleviating the load of the functions incumbent on the same; both arrangements were most ably devised, particularly by that great minister Limantour who being mayor, in 1881, had proposed (then unsuccessfully) the plan that all the municipal schools should be made dependent on the Federal Government in order to give them a better and firmer direction. What he was unable to carry through in 1881, he was able to realise in 1896 when everyone was feeling the necessity of effectuating the reforms implied by the suppression of excise; then the clever initiator Limantour found himself resolutely propped by the Budget Commission of the Chamber of Deputies, especially by the intelligent barrister Paul Macedo, and the said Commission, therefore, was able to introduce the idea in a mature state to the minister of Justice and Public Instruction, Mr. Joachim Baranda. This, having seen for a long time past the necessity of reorganising not only primary instruction, in the sense here expressed, but also secondary education in order to introduce therein uniformity of the studies and to render education at once physical, intellectual and moral, and even professional instruction with the aim to make its teachings more strictly technical, accepted the offered initiative regarding primary instruction but amplifying it so that he requested the Congress of the Union to authorise Government, and they actually did so on May 19th 1896, to bring about all indispensable reforms as well regarding elementary and higher grade primary instruction as concerning secondary and professional education.

6. As I have just stated minister Baranda had been endeavouring ere then to reorganise both secondary and professional education: with his knowledge and assent the managing Board of Public Instruction had discussed and voted the necessity of establishing uniformity of studies several years ago and as the present writer, professor of Logic at the Preparatory School in 1895, rendered public, in a speech delivered at that school in the said year profiting by the opportunity of the patriotic Independence feasts, some of his ideas about the reorganisation of instruction, the said minister Baranda did him the honour



Justinus Fernandez

Director of the Law School and Secretary for Justice and Public Instruction
at the moment this paper is printing

to call him to his office and intrust him with the study of a project of reorganisation of the National Preparatory School, whose preliminary part began to appear in the «*Revista de Instrucción Pública Mexicana*» still before the decree of May 19th 1896 was issued authorising Government to reorganise public instruction.

On the other hand, regarding professional instruction, the same minister Baranda had previously made some exertions to reorganise it: thus at the Medical School he had created improvement classes without giving them a compulsory character, such as that of Pathological Anatomy, in 1891, and that of Clinics of Children's diseases, in 1892, which completed the analogous creations made since 1887. Bigger reforms had been brought about regarding other establishments: the Congress of the Union having attempted in 1890 to create a Practical School for Machinists wanting to establish it in the National School for Engineers where there was a lack of sufficient material elements, the said minister Baranda succeeded in getting it lodged in the National School of Arts and Crafts for men wherewith this school embraced a vaster scheme although still with the same defects I opportunely stated and which essentially consisted in the circumstance that the teachings were not adequate to the most scanty resources of the pupils.

The National School of Arts and Crafts for women was also improved by Mr. Baranda as soon as it was made dependent on the Ministry of Justice and Public Instruction; to that effect he reorganised it on January 1st 1892, restoring its genuine character by suppressing the classes that were not of arts or trades, keeping up only one of improvement in primary instruction; in exchange he introduced galvanoplasty, telegraphy and box-making, which classes were unduly held, up to then, at the Normal School for women teachers.

More considerable endeavours had been made by the same minister on behalf of professional instruction before the grand decree of May 19th 1896 authorising Government to reorganise education in a thorough manner: he had attempted to infuse new life into the National School of Agriculture to which purpose he issued the law of January 23rd 1893, in virtue whereof, besides the careers of veterinary surgeon and agronomic engineer, already existing with the obligation for the pupils previously to study most of the preparatory courses, two shorter careers were established: that of steward of rural estates and that of intelligent farrier, with the obligation only to course primary education in order to facilitate their instruction; but in spite of all the School continued being frequented by very few pupils.

In the same year 1893, on December 12th, the minister deemed it necessary to reorganise also the National Conservatory of Music in view of some considerable defects of discipline; but then the same errors were committed as before, allowing the supernumerary pupils to perform their studies in the order they liked best and choosing the subjects they deemed convenient, almost without any restriction: thus there could be no plan whatever, because there were hardly a few pupils willing to obey another norm than their own anarchic choice and as, on the other hand, the new law, no more than the former, prescribed any studies that might impart a general culture, the indefectible result must be the intellectual lowering of the Mexican musicians.

Thus it is apparent, Mr. Baranda's ministry had realised meritorious exertions on behalf of superior education; however he himself was aware it was necessary to revise and reorganise all of it both to steady the partial improvements introduced into determined institutions and to modify more completely the course that had been steered.

7. Anything became possible in virtue of the repeatedly mentioned law of May 19th 1896; then a most marked advance was to be noted in every branch of education and it may be said that the last and most important period of its organisation begins from that date.

The first law issued to that purpose was that of June 3rd of the same year 1896 by dint of which the schools of primary education dependent on the municipalities of the federal District and Territories were nationalised; moreover, a unitary direction of these schools was instituted and intrusted to Dr. Lewis E. Ruiz and a body of inspectors was formed commissioned to watch the exact plantation of the methods and the careful fulfilment of the programs which salvo slight modifications were the same as had been consigned by the law of 1891 and which did not yet include the most important manual training.

According to the new law of Primary education, the Director-general took in hand the 113 schools then dependent on the municipality of the city of Mexico and which were frequented by 13,317 pupils; he also received the schools, as a rule very poor, sustained by the municipalities of the prefectures, and his delegates in the remote Territories of Tepic and Lower California received the insignificant teaching establishments existing there. It was necessary, then, to organise all, choosing adequate premises, building new edifices on the spots pointed out therefor by the density of the population, furnishing them with books, tools and furniture, slowly improving the body of teachers and exercising a vigilant care over every part of the most delicate instruction work.

8. Higher primary education was immediately studied on the base of the authorisation granted by the law of May 19th 1896 with the aim to organise it as an intermediary instruction between the elementary and the secondary ones; the relative schemes for that purpose were handed indeed to Mr. Baranda by the director of primary instruction, Dr. Lewis E. Ruiz and his secretary Mr. Emmanuel Cervantes Imaz, assisted also in part by the present writer; the relative law was issued on November 7th of the same second year 1896, imposing the same system of simultaneous and cyclic education as in the elementary primary school, it being doubtlessly, as I have already stated, the most adequate for children, because rendering the studies greatly varied and not compelling children to consecrate any of them too long and too steady an attention, it is quite accordant with the state of mental development in which the brain cells possess an extraordinary plasticity to absorb all, unless they are excessively wearied by being obliged to toil on but one subject.

The approved programs for higher primary education were in many points more precise and more analytic than those sketched out by the

Instruction Congresses. Thus it happened, for instance with those of General History and Political Economy as also with those of Usual Law, then established for the first time in Mexico, after a motion of mine, and which, as is well known, are destined to render it easy for every body to acquire a rudimentary knowledge of the management of society in its manifold cooperative acts either to organise families or to produce and transfer riches or to defend one's self against injustice and make it impossible for offenders to do harm.

Besides, the programs of the law of Higher Primary Education embraced explicitly manual training making the best of what had begun to be done at the primary school annexed to the training school for teachers, thanks to the firm initiative of its director Michael Serrano; in that way they insured in part the future development of the aptitudes the pupils might have for industry, although in particulars the work was not able to be quite fructiferous because the said manual training has not yet been introduced into elementary primary education; so that in this regard instruction and therefore physical education and the preparation for the future apprenticeship of the industries are wanting the first degree they ought to have in the elementary schools.



Trinity Garcia

Director of the National School for the Deaf and Dumb

In exchange, higher primary education was better conceived as an initiation for secondary instruction and therefore comprehended, in the two years of its curriculum divided into semesters, not only the complement of the knowledge of arithmetics and geometry and elements of the Physical and Natural Sciences, as well as geography and history, previously developed by elementary education, but also the surest rudiments of algebra as far as the equations of the first degree and the first hints regarding the future intelligence of the French and English languages.

9. The immediate result of all these exertions on behalf of primary education, especially since its concentration in the Federal District under the direction of the Secretary for Justice and Public Instruction, consisted in multiplying schools and teachers in that District and in the Federal Territories, procuring that every school could rely on several teachers; it also consisted in bringing teachers to the forlorn mountain villages which thanks to the railways draw nearer and nearer; in teaching how to speak Castilian many indigenous children that before only spoke their own primitive languages; in endowing the new establishments with premises, furniture and tools more and more appropriate.

Another consequence was the increase of the movement that already before and especially since 1889 made itself felt in the States to raise the level of education; progressively, with slight modifications, they have accepted the plans devised by the two Instruction Congresses and even those established in the Federal District by the laws of 1896; thus, the whole Republic tends towards unison, which implies an evident advantage for all the students who will be able to continue anywhere in the country their studies begun else where, without stumbling upon the great difficulties they experiment to-day through the differences still reigning regarding the plans, methods and systems of teaching.

The unification was facilitated besides by the fact that as soon as the law of March 21st 1891 about compulsory instruction in the Federal District and Territories was promulgated, the archbishop of Mexico lent it his resolute approbation ordering all catholic fathers and directors of catholic colleges to fulfil it, in as much as they were free to add the study of religion to their other teachings and he disposed, as the law itself had done, that account of the fulfilment should be given to the various school authorities destined to watch over the execution of his preceptions, whereby the undertaken work came to count with very influential collaborators.

10. Some States of the Federacy, in their noble endeavour to improve education, have outrun the very town of Mexico: thus Guanajuato concentrated in the hands of its government all relating instruction, formerly divided between the same and the municipalities, forereaching therein the capital of the Republic by about three years; on the other hand, in every corner of the country a most intensive movement was to be felt to multiply the schools and to-day the number of the primary ones is sure to exceed 11,800, whereof 531 are in the Federal District, 329 being sustained by Government and 202 by private persons.

It may be noted that the States having the greatest number of primary schools are Mexico which has 1,056 and Puebla that possesses 1,149 and it must be stated that in both these States official action has nearly supplanted private action, since the State of Mexico has scarcely 6 private establishments and that of Puebla has but 56.

This retrocession of individual exertion due, as we have already stated, to the more and more absorbent and monopolising action of Government and to the general weakening of religious emotion formerly ruling nearly all the educational institutions of private initiative can also be noticed, although in a less intensive degree, throughout the whole Republic. If we remember that during the whole colonial epoch there hardly existed an official school, for Revillagigedo had scarcely 10 in 1794; that in 1807 for 10 official schools in the town of Mexico there were 8 of the Lancasterian Company and 123 private ones, and that, not reaching this proportion, throughout the Republic the number of the private schools exceeded by far that of the schools sustained by Government; if we think of the fact that still in 1874 there were more than 24 private schools for every 100 official ones, it becomes obvious that at present private exertion is still weaker since for 9.247 schools sustained by Government there are only about 2,600 sustained by private persons, or in other terms, 22 for every 100 organised by the authorities.

Notwithstanding, in several States of the Republic, the number of the private schools is as yet greater: San Luis Potosi has 445 private schools and only 338 sustained by Government and in various other States the number of private and official schools is nearly equal, as it happens in Aguascalientes where there are 41 official schools and 43 private ones, and not quite so equally in Guanajuato, in Michoacan, in Jalisco.

It may be noted, besides, that if already in the year 1874 it could be noticed that the clergy's endeavour to sustain primary schools was weak, since out of the 2,000 private schools only 117 were maintained by the same, now it is somewhat more energetic, but not much so, since out of the 2,600 private schools clergy maintains but 140 or 150 according to the latest statements.

In exchange, an almost absolute transformation is perceptible in the kind of authorities by which the primary schools are sustained: in 1874, out of 6,000 official schools 5,200 were sustained in a very deficient manner by the municipalities; to-day, out of the 9,247 official primary schools there are not 2,000 still managed by municipal corporations in a few States, such as Campechy, Oaxaca, Puebla, San Luis Potosi and Sinaloa.

The absorption of the primary schools by the governments of the federative entities has been highly advantageous because it has multiplied the number of the teachers, there having been formerly as a rule only one for each school and now, in some of them, their number is equal to that of the years composing the curriculum of the establishment, not including the director of the same.

There has also been a remarkable change in the distribution of the primary schools between the sexes: if in 1874 there were four times more schools for men than for women, now there is only about double the number of the former, as well regarding the official as the private schools; and if formerly there were hardly any mixt schools, now their number exceeds 2,000.

On the other hand the number of adult schools is also increasing, although feebly: against two in the Federal District in 1873, there are now 16 there and in the other parts of the country about the same advance has been effected.

Greater, and by far so, has been the progress regarding the number of pupils frequenting the primary schools: whereas the figure of the schools has not even increased 50 per 100 from 1874 to this day,

VOL. I. 145.



Lewis E. Ruiz, director-general of Primary Education

their frequency has augmented more than 100 per 100. Indeed, in 1874 the number of the pupils registered was estimated at 349,000, whereas at present it surpasses 740,000 of whom about 660,000 go to the official schools and somewhat more than 80,000 frequent the private establishments.

Notwithstanding if the population of the country is reckoned to be twelve millions and a half of inhabitants and the fifth part thereof is esteemed to be of children in the proper age to go to school, there should not be on the lists only 740,000 but 2,500,000; so that but 30 per 100 of the children are matriculate at the schools.

This figure, of course, does not represent the actual degree of utilisation, for out of the 740,000 pupils registered only about 510,000 assisted at school 440,000 corresponding to the official and about 70,000 to the private schools, so that only 20 per 100 of the school population turns teaching to profitable account, since out of every 100 registered pupils only 65 or 66 are punctually assisting. In the Federal District rather more than 52,000 were enrolled in 1899 and the average assistance did not reach 30,000.

It may be remarked, moreover, that private schools generally are less frequented than the public ones; nearly always it may be reckoned that the number of the pupils at the government schools is double that of the private schools, a fact easily explained by considering that the former are all of them gratuitous whereas the great majority of the latter are not so; besides, at the government schools any kind of pupils must be admitted and the remainder may reject determined individuals.

In exchange they are more punctually attended precisely because the private schools are mainly frequented by the children of well to do families whose parents being more enlightened, heed them more and for this reason, at the private schools 83 of every hundred pupils matriculated go regularly to school, whereas at the official schools the average of the pupils enrolled that come to class is 66 per 100 and in the Federal District even descends as low as 60 per 100.

The number of the existing primary schools continues being scanty in relation to the number of inhabitants, there being rather more than 9 schools for every 10,000 inhabitants; besides, most of them have not got a teacher for every year of the curriculum but only one for the whole of the four elementary courses, with the exception of the Federal District, Guanajuato and several other States; if at every elementary school four sections were established with their respective teachers, every school might attend quite well to 140 children, since every master would be intrusted only with the care for 35 children; then 17,500 schools would be sufficient for twelve millions and a half of inhabitants or, what is the same thing, 14 for every 10,000; now this figure has already been reached and even surpassed by the States of Morelos, Nuevo Leon and Tlaxcala, so that there the question only is to improve the existing schools procuring for them the afore mentioned number of teachers and pupils; other States, in exchange, must still make great exertions not only to get their existing schools well utilised, but to have them duly multiplied.

Such improvements, however, cannot raise on a sudden the number of Mexicans knowing how to read and write, because the adult have already almost definitively got rid of the school and therefore the decrease or definitive disappearance of the analphabets can be obtained only by means of time and the more and more complete diffusion of instruction among the children; meanwhile, the figure of those unable to read and to write is still most high: according to the data of the official census effectuated in 1895, out of the 12,631,558 registered inhabitants 10,445,620 cannot read nor write and 328,007 only know how to read. Thus it appears that more than 2,140,000, or in other words, 17 out of 100 have received, up to now, the benefits of the school; and although that proportion is considerably improved at some spots of the Republic, as in the Federal District where more than 42 per 100 know how to read and write, it is obvious there is an urgent necessity of continuing, without release, the course, our governments have traced in order to diffuse and constantly improve primary education.

The sum assigned at present for the encouragement of primary instruction is nearly the triple of that formerly spent for that aim: in 1874, the total assignation was of 1,632,000 pesos a year, to which sum is to be added that directly paid to the private schools by the families which had their children taught

there, estimated approximately at 1,200,000 pesos; whereas at present the amount laid out by the governments alone which is the sole one that can be estimated with some exactitude, is about 4,500,000 pesos, more than 960,000 of which are invested by the Government of the Federacy that spends 804,407 pesos in the Federal District. Thus it appears that whereas in 1874 the cost of the education of every pupil of the official schools was approximately five pesos and forty one cents, at present it amounts to rather more than ten pesos, for although in some parts of the country, like the State of Oaxaca, the cost descends as low as three pesos and six cents, in the State of Mexico and in the Federal District it exceeds thirty pesos a year and in the northern district it rises almost to eighty, because there population is scarcely grouped.

Albeit, government is called upon to make still greater exertions both in the Federal District and Territories and in the States of the Republic in order to arrive at imparting primary education in as complete a manner as is due; and there is no doubt it will not shrink, since the energy of the economical progress in the country become more and more intensive; at any rate, a good piece of ground has been covered and they who have brought it about, may justly be proud of their work, being well aware, however, a long distance is still to be got over before attaining the longed for ideals.



Puebla. — Normal School for women teachers

CHAPTER XIX

REORGANISATION OF THE NATIONAL PREPARATORY SCHOOL AND PRESENT STATE OF SECONDARY EDUCATION THROUGHOUT THE COUNTRY

THE laws of June 3rd and November 7th 1896 completely organising elementary and higher primary education by explicit and detailed programs once issued, Mr. Baranda was at leisure to consecrate special attention on the project of reorganisation of the National Preparatory School tendered by the author of the present essay; and in order to get it fully analysed, he submitted it to a careful discussion by a commission presided over by Mr. Baranda himself and composed of Dr. Lewis E. Ruiz, director-general of Primary Education, Lic. Michael Serrano, director of the Training School for teachers, the professors at the National Preparatory School, Mr. Raphael Angel de la Peña and Mr. Emilius G. Baz nominated by the director of that School in order to have it duly represented and lastly by myself as author of the project. Every one of the propositions having been prolixly discussed, nearly all of them getting approved, the minister issued at length, on December 19th of that so many times mentioned year 1896, the law reorganising the great school founded by Dr. Barreda.

2. That law was to establish, and really established at once, the uniformity of studies for all the

scientific careers, because it was deemed necessary to give a preparation for life rather than professional knowledge of a determined character and to endow the pupils passing through the National Preparatory School with all the knowledge required to be able successfully to behave in life whatever destiny might be reserved for them; so that the studies they would achieve should produce the result to make *men*, in the noblest sense of the word, that is to say, to develop all their faculties: the physical, intellectual and moral ones.

3. For this purpose, in order to secure the material education of the corporal organism, formerly so much neglected that there were no compulsory classes for the same, the law prescribed for each of the scholar periods physical exercises of the whole organism and drawing exercises with the aim of training eye and hand, as also in the first years singing classes in order to train and develop the respiratory apparatus.

The programs afterwards issued from year to year, by prescription of the same law, gave the physical exercises the character proclaimed by the author of the project, namely that of hygienic, not athletic exercises, divided into two groups: that of gymnastics in which the Swedish system is tending to prevail thanks to able professor Landa and that of fencing.

However, daily practice being indispensable for physical breeding to be effective and an examination therein being useless, the necessary thing being that this training is never left undone lest the organism loses his equilibrium and fatal results ensue for health, the law provided that if the students missed most of the relative classes and therefore did not fulfill what was prescribed for their physical training either concerning the joint exercises or those of drawing or singing, they should not be allowed to pass an examination in other subjects, with the aim so to produce the harmonic development of the organism and to prevent the formerly disdained physical training from becoming an irrision.

At the same time, the plan then adopted for the unfolding of intellectual education and in force up to this day, salvo some very slight modifications decreed a year afterwards, consisted in following in a gradual manner the series of the fundamental sciences, completer still than it was formulated by Auguste Comte, completer also and better classed than it was established by the founder of the National Preparatory School, and on the other hand equal for every body, since, as I have stated, thanks to the uniformity of the studies, the absurd distinctions admitted up to the year 1896, disappeared.

Formerly the subjects for teaching were distributed in annual courses to be continued through nine months, and there being to be studied at least two courses of mathematics, one of cosmography, one of physics, one of chemistry, one of biological sciences and one of psychology which can be learned well only when they are taught successively, since none of these subjects can be studied scientifically unless the foregoing in the series explained is well known, the result was that seven years were needed; but, on the other hand, the youths that come to the schools belonging most of them to the middle classes of the population, a class endowed with slender pecuniary resources and therefore unable to consecrate many years to their breeding, all the legislators have shrunk at the idea of making the preparatory studies last that number of years to be followed by the professional studies and for that very reason Mr. Baranda prescribed only five years, breaking several times the due succession as has been stated and the same was done by the members of the second Instruction Congress who in spite of proposing six years of scholar work, were obliged to propose, also viciously, that in the same year the pupils should learn the biological sciences so useful for executing the practical procedures of classification and logic, which ought to explain those procedures in the abstract a year later.

The project introduced by me succeeded in conciliating the scientific and pedagogic necessity of clas-
sing the studies with that of preventing them from being continued through too long a lapse of time and it did so thanks to its accepting as a base for distribution annual courses with periods not of nine monthly classes, but of semestral courses with four and a half monthly lecturing periods.

Reckoning with the six years of studies of arithmetics, geometry and rudiments of algebra as far as the equations of the first degree, made in primary education, elementary and higher grade, the law

was able to settle, as it then did, that in the first preparatory semester arithmetic and elementary algebra should be studied and in the second geometry and rectilinear trigonometry.

It was further disposed that in the third semester analytic geometry of two dimensions and rudiments of infinitesimal calculus as also cosmography should be coursed; but in stead of disposing, as the second Instruction Congress had proposed, that in a later course, rudiments of mechanics should be studied as a beginning of the study of physics, it provided, undoubtedly with better judgment, that those rudiments of mechanics, indispensable for the right understanding of cosmography which is but a concrete case thereof, should be studied at the beginning of the course of cosmography itself.

After enabling the students to comprehend nature by teaching them in the first course the phenomenon of quantity, both numerical and algebraical, in the second that of extent and in the third those of force and movement, both abstractly and in the special case of the celestial phenomena, the law prescribed for the fourth course, and always from a general point of view, the study of the divers modalities of



Mexico Normal School for women teachers. Hall for physics

force such as they are explained in physics, always reckoning on the preparation imparted by elementary and higher grade primary education, as well for the perfect assimilation of that science as for the remaining ones of the same school.

After the study of physics the pupils are to undertake according the new plan that of the bodies and their mutual actions and reactions which constitute chemistry and then, in the sixth and seventh semesters, the study of the biological sciences is pursued making acquainted at first with the movable equilibrium of the simpler kind between the in-

terior and exterior energies of the organisms and afterwards the complexer one or in other terms, first botany and then zoology.

At last, the eighth course was reserved for the scientific study of psychology and in order to mark strongly that it was not intended subreptitiously to pursue a course of metaphysics but one of integration of the fundamental series of the sciences, they gave it the name of experimental psychology afterwards explained, from year to year, by the respective programs showing that it comprises the complete frame of psychic phenomena studied after the manifold methods furnished by science.

Moreover it was disposed that in the same eighth course the study of the two supreme arts was undertaken: logic teaching exactly to estimate the proofs and morals teaching to appreciate the scientific rules of conduct; in this way the whole series of fundamental studies was developed in eight courses.

It will be seen that the arrangement I have just traced is more perfect than that devised by Dr. Barreda and even more perfect than that formulated by the second Instruction Congress but it might be still further improved by dividing the third semester, and destining the first half to the sole study of the third course of mathematics and the second half to the study of cosmography preceded by elements of mechanics. Thus this science being a case of concrete mathematics would not be studied but after the conclusion of the abstract part and on the other hand, the study of both the third course of mathematics and of cosmography preceded by the elements of mechanics would be rendered easier.

Besides, if it is true that possessing the due preparation of elementary and higher primary education it is easy to master the different courses of secondary instruction and if several of them are now much

easier to be mastered than formerly because more time is allowed them now than they had, as it happens with botany, zoology and logic, subjects which formerly were studied simultaneously in one sole year and now are learned successively in a year and a half, it is not less certain that two sciences, physics and chemistry, whose general study must be made too, as Comte pointed out, in a successive manner, are joining more and more intimately in some of their fundamental questions; therefore it would be convenient, after the semester destined to the study of physics and that consecrated to the study of chemistry, to dedicate one more semester to become acquainted with those problems, such as polarisation and electrical currents which indeed can be well understood only with the help of both the mentioned fundamental sciences although they are as a matter of principles, catalogued among the problems of physics. The new semester thus established would not only have the advantage of completing the teaching of the two preceding semesters as I have just pointed out, but it could also consolidate the knowledge only feebly acquired and would make the pupils well aware of the intimate connexion between physics and chemistry becoming every day narrower and narrower. In this manner, not altering the plan in force, but only improving it according to its own meaning, its fundamental subjects could be taught in ten semesters distributed in the following order: 1st, arithmetics and algebra; 2nd, geometry and trigonometry; 3rd, analytic geometry and elements of infinitesimal calculus; 4th, cosmography preceded by elements of mechanics; 5th, physics; 6th, chemistry; 7th, improvement in the physico-chemical sciences; 8th, botany; 9th, zoology, and 10th, psychology, logic and morals.

Beside these series of teachings and completing them, but forming a study of a different nature, the plan enacted prescribes geography divided in two courses: a general one during the fifth semester and a particular one of America and Mexico during the following semester, in the same way as it prescribes the study of ancient and mediæval history in the sixth semester, when the pupils have received the necessary preparation in general geography; and bestowing a greater amplitude than formerly on modern and contemporaneous history, as the celebrated historian Lavissee is recommending, it prescribes the study of these two great divisions in the seventh semester leaving the eighth for Mexican history. It may be stated, however, that the law of December 19th 1896 established but one sole course of general history and that thanks to a special petition made by the great professor of history at the School, Mr. Justus Sierra, one more semester was granted for the same subject, thus obtaining an improvement of the plan, analogous to that which might be realised, as I pointed out, for the study of physics and chemistry.

4. Beside such subjects as complete the strictly fundamental ones being wholly educational, the new plan must, and did, grant entrance to those studies in virtue of which the pupils might be able to understand the written thoughts of other people, and to communicate with them: such are the studies of language in its manifold manifestations.

The language it most behoves to know is that of the country where we live, that which properly deserves the denomination of national language; the law not wishing it to be dogmatically taught, but meaning rather to create the difficult habit of adequately availing one's self of the words necessary to signify one's thoughts, disposed that the knowledge of language should be acquired together with the scientific studies, not in daily classes like these, but every three days; for this purpose it was established that in the first course the national language should be taught only in a practical manner, the pupils being obliged to assist at class, but not to undergo an examination; in the second and third course the study ought to comprise the progressive development of grammar, with numerous practical applications; the fourth course was to treat of Greek and Latin roots in order to supply the pupil with the most necessary knowledge of etymologies so useful in scientific language but suppressing the complete study of Greek and Latin, whose knowledge, as Spencer says, was necessary in former times to understand the books of science or to become acquainted with the jewels of the Greco-roman literature and history, whereas to-day sciences are written in the living languages and helenists and latinists make us taste the subtil and strong essences distilled by the old studies of humanities more easily and more profoundly than we could do dedicating several years to the study of Greek and Latin and therefore this study must

loose the compulsory character it has had for all students. The fifth and sixth course were destined to practical exercises of redaction and literary analysis, also without examinations, but with compulsory assistance at classes; the seventh course was left for preceptive literature, theoretically and practically taught as far as possible by an inductive procedure founded on numerous lectures and on exercises done in precedent courses and lastly the eighth course was reserved for practical classes, without a special examination, of higher lectures and recitation.

This plan of education which in its totality is by far superior to that contained in the particulars of the scheme organised by Dr. Barreda, lacks, however, a special course of æsthetics because this is not a science and secondary education has been given a rigorously scientific character.

National language, however, is not enough to signify all thought: indeed, the ideas relative to measurable space are more easily and exactly signified by means of drawing and every body being apt to draw the objects made by man, and to make representations of space and accidents of the ground, the study of linear and of topographic drawing was prescribed, and later on, they added natural drawing considering this art useful to imbue the rudiments of æsthetic education.

But it is not only necessary to know how to manifest one's own thoughts, it also behoves to understand those of other people and particularly the thoughts of the men who have done more to forward science or at least have more faithfully translated into their own language the select productions of all the nations; it being impossible to acquire the knowledge of all the living languages of great importance, the new plan of studies must needs restrain its prescriptions to teach how to translate French and English.

5. Thus physical and intellectual education were complete, moral education remaining abandoned, although a good deal ought to be done therein; the author of the plan remembered that every time humanity visibly progressed in the moral sense, it was due to the influence of a great man, of some conspicuous educator in whom sovereign qualities incarnated either of patriotism like in the supreme liberator heroes, or of charity like in St. Francis of Assisi: it was absurd to think of obtaining by the sole powerful will of the legislator the appearance of such inspired men who by their example would vivify the consciences at the Preparatory School while it would subsist; but it was possible to think of rendering a transitory life to the illustrious dead revering them in eloquent lectures and extolling their egregious virtues. Thus August Comte's noble desire would be satisfied tributing a fervorous worship to the loftiest qualities in order to excite young people to imitate them; and as it was devised, so it was disposed; but imagining it would be useful to expose in those lectures the great synthetic lines of the philosophy characteristic of each science it was provided that in the first course the lectures should treat of morals and civic education resuscitating the inspired figures of the great patriots, of the lofty philanthropists in order to provoke the utmost admiration for their virtues and a lively wish to incitate them, in the second course there should be lectures on the history of geographical discoveries raising at the same time the veil that covered the earth and causing the supreme qualities of the great discoverers to be felt: their limitless valour, their ardent desire to enlarge the frontiers of science, their self-sacrifice to die in order to save their companions, their exemplary constancy; in the third course lectures were to be made on the history of Astronomy with the aim to discover before the wondering eyes of the pupils the audacious expeditions of human thought, more and more remote in time and space, pursuing in its flight the most distant stars to include them in the invisible net of universal attraction and sounding the vertiginous problem of the origins until bestrewing, like Laplace, the universe with dust of worlds, alike, in the fourth semester lectures were to be held on the history of chemistry, in the sixth on the history of biology, and particularly of botany, in the seventh on physiology and in the eighth on Sociology endeavouring in these lectures, above all, to extoll the moral qualities of the great discoverers and to complete the theoretic study of the fundamental sciences made at the classes and their practical study made at the academies, by the philosophic study.

This ambitious plan, you see, embraces in its tight meshes the indefatigable progress of the ideas and gives all the studies body and cohesion because it binds the changes produced with the seamless

tissue of history; notwithstanding, it might perhaps be improved by a considerable reduction of the number of the said lectures; two a week are too many to be excellent as they ought to be and to produce an ineffaceable impression on the pupil's mind.

6. Unfortunately, however, it is impossible to improvise actual teachers both for the secondary and for the primary schools and as on one hand many of the old ones have subsisted and on the other hand, the training schools supply but scantily the wanted number especially of male teachers, owing, as I have already stated, to the fact that the retributions for their services, although augmented, are too slender, especially in several of the poorer States, it results that the good laws have been managed by, as a rule, incompetent men.

The evil was aggravated for the moment by another circumstance consisting in the fact that the vicious methods of the backward pedagogues, methods which in spite of their shortcomings might have been available to some degree, were hampered at every step by the visits of the modern inspectors who fulfilling their duty, wanted to plant at once the new methods and produced at some moments a real confusion at determined schools.

From such circumstances the consequence has been deduced that sometimes the fulfilment of the new laws on primary education has been a nominal one, so that the ministry of Justice in order to be sure that the pupils ingress into the National Preparatory School knowing at least arithmetics and the rudiments of algebra including equations of the first degree, with the aim thus to secure the success of their later studies, saw itself obliged to establish, since

January 1900, admission examinations about the said subjects by which it has become evident that one third of them who wanted to ingress were not yet provided with the necessary requisites.

This partial failure of primary teaching which it has been attempted to prevent by resuscitating the former periodical academies for teachers destined to raise their intellectual level, has contributed to produce some decrease in the number of new pupils at the National Preparatory School, the diminution being also due to the fact that now higher primary education not existing formerly is required and exacted by the recently established admission examination. These circumstances will doubtlessly improve by the constant exertion of the Primary Education Boards of the Republic, by their Inspectors and by the pedagogues themselves who will get accustomed to overcome more and more completely the difficulties they meet to-day, which would be greatly facilitated, besides, if the higher primary education programs were somewhat alleviated or if they were distributed over three years instead of two.

The same impossibility of improvising teachers has been remarked, as I have already stated, regarding the secondary schools, and perhaps even in a still more shocking manner; Government, in this respect, has not made up its mind to employ the competition system in order to cover the vacant places, perhaps because it is quite aware that the competitions are not sought by the most deserved men who are unwilling to expose to the jeopardies of an examination their well established reputation and for that reason it has been resolved to designate in each case the men Government deems most competent.

Such a system of nominations, however, with the very best intention, exposes to commit blunders and to introduce into the teaching establishments at the side of very clever men, others very middling ones,



Mexico. — Normal School for women teachers Drawing hall

so that it becomes more and more urgent to organise a higher training school where the persons wishing to teach any subject of their at own choice might make the respective special studies during several years after achieving the secondary courses.

This improvement which it is perhaps not possible to plant at once and which consists in dividing the curriculum into ten semesters in order to arrange the studies better, to alleviate them and render them at the same time more solid as well as that other improvement whose purport is to considerably curtail the number of the lectures to render them impossible to be forgotten intrusting them always to eminent professors, would make the National Preparatory School still more praiseworthy which although improvable in particulars such as I have stated or in secondary respects of easy modification, represents at any rate an indisputable advance even beyond Europe and realises in its prescriptions the plan dreamt of by some of the greatest educationists.

Other improvements are possible at the same School without any alteration in its present plan: one of them consists in founding a Psychological Laboratory annexed to the respective class and destined above all, scientifically to study the psychic effects of teaching according to the different characters of the pupils with the aim to improve education. A laboratory of this kind which would also be most useful at the Training schools for teachers would constitute the most efficacious help for the development of *Pedology*, the science whose relative art is Pedagogy and would make Mexico partake of the unanimous effort all the civilised nations are making to forward, by means of special laboratories, a more and more complete knowledge of the progressive evolution and the character of mental aptitudes.

This improvement only needs the logical application of the present law since its kernel is contained therein; the other improvements I mentioned would imply slight modifications of the planted system whose cardinal elements, however, would remain intact.

7. Therefore, it has begun already to irradiate into the States; some of which, like Oaxaca, Guerrero and Chiapas, improved the plan establishing ten semesters although not with the same distribution I pointed out; others, like Chihuahua, accepted it without introducing any modification; Veracruz has established it without the semestral distribution and therefore with the superposition of subjects that ought to be successive; however, both these federative entities of the Republic and those which still keep the former incomplete arrangements, suffer the same want of adequate professors as is felt, although in a lesser degree, in Mexico and which in the States is aggravated, as a rule, by the impossibility of assigning acceptable allowances and by the inferiority of tools and laboratories.

At any rate the Republic reckons with 33 more or less well established official secondary schools and if the two Federal Territories of Tepic and Lower California and the States of Colima and Sonora have no secondary schools, in exchange Tamaulipas, Guanajuato and Campeachy have two, Jalisco three and Veracruz four; the most attended of them are those of the larger towns, such as Guadalajara, Puebla, Guanajuato, Mexico, San Luis Potosí, Oaxaca, Jalapa and Michoacan; however, the most completely furnished is the National one which serves as a model for all and in order to attend to more than 700 pupils reckons on 71 professors and preparers, annually spending on them and its expenses the sum of 110,730 pesos.

8. The National Preparatory School's organisation has irradiated also into the private ones owing to the fact that their studies have no official validity unless they be verified by means of examinations at the Government schools; in general, the number of private secondary schools is less than that of the official ones; but in some parts it is larger as it happens in Michoacan where in front of one official school there are two private ones, and in Sinaloa which has five private ones for one of the Government. All of them are boarding schools, thus accepting responsibilities which only the parents should support; notwithstanding, they are far inferior to those sustained by the political authorities both regarding their staff of teachers or the number of classes and from the stand point of the importance of their laboratories.

9. All the institutions I have been speaking of are not, as a question of principle, reserved for the male sex alone and so, at the National Preparatory School, these last years there have constantly

been some female pupils who afterwards have gone to continue their professional studies acquiring their titles at the Law School or at that of Medicine. Most of the misses, however, consider as their sole secondary schools either the twenty one normal schools for women teachers or the fourteen properly secondary schools for girls existing in the Republic or the private ones established, on a rather monastic plan, for the daughters of the wealthier population by several religious corporations, especially the ladies of the *Sacré-Cœur*, in the environs of the most important towns of the country; but in spite of the praiseworthy exertions all these institutions are making on behalf of education, none of them has so well systematised or organised its plans as the grand school founded with so much intelligence by Gabinus Barreda, that never to be forgotten educator.



Mexico. — National Preparatory School. Chemistry halls

CHAPTER XX

REORGANISATION AND PRESENT STATE OF THE SPECIAL SCHOOLS

THE reorganisation of primary and secondary education having been concluded so that their consolidation and further improvements were dependent only on the personal aptitudes of the men called to enact the new laws, Government was at leisure to continue its work retouching the plans of studies of the professional schools and to that purpose charged with the tendering of reform projects the Mexican men who by their justly acquired reputation could be considered the fittest.

The first professional school to be reorganised was that of Engineers and to that end the hints of its learned director, Mr. Leander Fernandez were specially taken into account; the corresponding law was issued on September 15th 1897, constituting at the same time in a definitive manner the important speciality of electrical engineer that came advantageously to supply the telegraphist career formerly created at the same school; adequate dispositions were dictated to multiply the practical exercises that had been very deficient up to then in spite of their importance for the different careers pursued in the same establishment. At present the School for Engineers implies an annual expense of 80,000 pesos; it counts thirty one professors and preparers, two of them at the Practical School of mine working established in Pachuca, and the number of its pupils rises to about one hundred and fifty. The considerable difficulty of the studies, especially of the first years of the careers to be studied there, has been the cause that at the end

many cannot be successful; therefore it would be desirable that those studies were distributed over a greater number of years. Notwithstanding, the statistics of 1895 show there are more than two thousand engineers in the country; the absolute majority of them is formed by the topographers, a fact easily to be explained, since, besides the Federal District, six States have their schools for topographers, four have schools for assayers, three for miners, two for civil engineers and one for electrical engineers. Guanajuato surpasses in this respect although it cannot rival with the famous National School for Engineers realising so great and fruitful exertions.

2. Having thus organised the School for Engineers, the new law for that of Jurisprudence was issued on November 30th of the same year 1897; in order to formulate it, the ministry of Justice and Public Instruction had requested the corresponding Board of Professors to redact the relative project; the Board named a commission composed of the Professors Licentiate Hyacinth Pallares, Thomas Reyes Retana and Michael S. Macedo, who held opposite opinions; the two first named proposed the Board a plan which as for the studies of the lawyers was essentially the same as had been in force before and which placed at the beginning the simultaneous study of Roman and Civil Law, followed up by Commercial and Penal Law; then came Constitutional and International law and at last the studies were closed by lectures on juridical Procedures, political economy, forensic Medicine, philosophy of the law and forensic oratory. In opposition thereto, Licentiate Macedo, taking into account that any series of professional studies requires beside the previous ones passed at the National Preparatory School, other preliminary, also preparatory ones of a special character, proposed a different plan; he remembered to this effect that the pupils of the Medical School before studying the diseases and the healing art that constitute their actual professional instruction, learn anatomy, histology and physiology as preparatory subjects of a special character; he also remembered that the Engineers before learning the various subjects of their building art in its manifold forms study higher Mathematics and general mechanics likewise as special preparatory subjects, at the same higher school; therefore he proposed that at the Jurisprudence school the pupils wishing to become lawyers should begin studying the special previous matters of that profession such as Roman law, not for any other motive but for that of being the most casuistic of all and therefore an admirable means of exercising syllogistic reasoning by the interpretation of texts which the lawyer has to apply during all his professional life, so that the study of Roman law would serve not so much for the instruction of the student as for his intellectual education; besides Macedo pointed out likewise as a special preparatory subject for the first years of the curriculum not the philosophy of law, this being a vague study of mere theories, but sociology as a specific study of the characteristic forms of the social institutions and the cardinal stages of their evolution thus to comprehend the relative statics and dynamics; he also indicated as a special preparatory study that of political economy destined to make the student understand the different problems of which Civil and Commercial law offer concrete resolutions without explaining their antecedents.

By this plausible innovation Licentiate Macedo meant the students having first examined the social phenomena in the abstract might consider at once the Codes as a resultant of a specific character and he was of opinion, too, that some of the Codes had also their auxiliary previous studies, such as forensic medicine without whose knowledge it is impossible to understand many misdemeanors and certain cases in which civil incapacity is decreed for morbid or deficient conditions. At last he prescribed as auxiliary for the whole career another study that in his opinion ought to be made more profoundly than it had been so far, that of forensic eloquence.

However, the Board of Professors did not approve Licentiate Macedo's plan, preferring that of Licentiate Pallares and therefore the Ministry of Justice also granted the latter its approbation; but if in this sense not all was realised at once that might have been effectuated, in exchange the old plan was improved regarding the pupils who meant to pursue the career of notary correcting even what had been momentarily disposed by the law of December 2nd 1867, for it was prescribed they should integrally study the civil, commercial, mining, proceedings, constitutional and private international laws without whose knowledge a notary was exposed not to be able to resolve elementary problems of his profession.

During the year 1899 the National School of Jurisprudence had 228 alumni, 192 of whom received the corresponding approbation in their respective examinations; 27 got their titles of lawyers and 4 of notaries. At the present moment the School has fourteen professors and costs about 27,000 pesos a year. As formerly, so now there are numerous schools throughout the Republic where lawyers studies can be pursued; on the other hand, they are the easiest not requesting costly laboratories; at present there are 20 of them at most of which notary's studies may also be achieved and at several there are courses for business agents; the most famous ones, after the school at Mexico are the most important one of Guadalajara and the remarkable one at Morelia. Together they had given the country up to 1895 the not despicable sum of 3,365 lawyers (more than 650 in the Federal District), 419 notaries and 715 business agents and it may be remarked that while the necessities of their profession disseminate the engineers about the fields, they concentrate on the contrary, the law mongers in the towns either to impetrate or to impart justice.

3. While thus the destinies of Jurisprudence have been developing, Government also consecrated due attention to Medicine; it intrusted the reorganisation of the relative School to commissions formed by the men of the best acquired scientific reputation; three luminaries of Mexican science, doctors Chacon, Lavista and Licéaga for the scheme of medical studies, three able professors, Lucio, Herrera and Morales for the studies of pharmacy, some specialists also for the career of obstetrics and equally some specialists for the profession of dentists.

In the plan proposed by the Commission for medical studies and converted into a law at the end of 1897, three capital ideas were predominant viz: first to incorporate with the primitive plan forming a harmonic whole with the old subjects all the new ones that had been gradually aggregated without a compulsory character such as bacteriology, ophthalmology, mental diseases, pathological anatomy and histology; second considerably to multiply the number of clinics it being well known that practical studies are of more moment than theoretical ones and dividing them into two well defined parts already existing before but without an independent character and with different names: the preliminary part, propedeutics, wherein only the means of exploration of the healthy and sick organism were to be taught and the following that was to embrace also trials at diagnosis, prognosis and treatment. The third idea which they endeavoured to carry into practice in the new plan, consisted in arranging the studies in such a way that each of them was preceded by those that might serve it as a base; thus in the first year descriptive anatomy and practice of dissections, general anatomy and histology and practice of histology; in the second topographical anatomy with practical exercises and theoretic and experimental physiology; in the third, pathological anatomy and practice of necropsies and microscopical preparations, theoretico-practical bacteriology, summary generalisation of pathology and propedeutic clinics; in the fourth, two more courses of bacteriology and pathological anatomy, one of practical topographical anatomy and of medical and surgical pathology and clinics; in the fifth new courses of pathology and clinics as also of medical and surgical therapeutics and theoretical obstetrics and lastly in the sixth general pathology properly so called, medical hygiene and meteorology, fundamental medical and surgical clinics, besides complementary classes of forensic medicine and special clinics of obstetrics, gynaecology, children's diseases, ophthalmology and mental diseases.

We see that thus in the three first years the special preparatory subjects of the career were grouped together, viz: those which only teach to know the human organism and its functions both theoretically and by means of dissections and the microscope in the dead body and by the various explorations explained by propedeutics in the living being; with these elements and with summary generalities of pathology making the students understand in a rudimentary manner what each one of the great morbid processes is and making them acquainted with the vocabulary they were to use in the pursuance of their studies, the authors of the scheme considered it easy to undertake the study of pathology, theoretically and practically, in the two following courses, the fourth and the fifth and that of Therapeutics, theoretical Obstetrics and Hygiene in the fifth and sixth, in order to conclude in the same with the scientific

generalisations of general pathology inferred from the particular cases studied in the two preceding years of medical and surgical pathology and to end with the complementary and specialist studies.

Finally, and always with the aim to facilitate learning procuring the students all that might be useful for their subsequent studies, the new plan prescribed in the first year a course of medical physics and natural history and in the second a course of medical chemistry as also, in order to complete studies, a course of medical ethics embodied in the course of forensic medicine in the sixth year.

This plan which doubtlessly offers the three great qualities looked for by its promoters: that of integrating the study with so important subjects as bacteriology, that of arranging the disciplines to be taught in a more adequate manner and that of granting the practices an ample extension, however, has not been deemed quite satisfactory by many eminent medical men who affirm the arrangement prescribed is in some matters incorrect and to that purport they say that if it is true that pathological anatomy has an exceptional importance, it is almost useless to show the alumni the anatomo-pathologic pieces as the plan prescribes when they do not yet study the diseases that cause the effects represented by the pieces; therefore it would be more convenient to show the preparations only when explaining the respective cases of pathology. On the other hand they also declare that the study of Therapeutics before that of Hygiene is discussible; for in order to heal the diseased the first and fundamental thing is to place them into the conditions of a satisfactory hygienic medium and then to apply the special curative agents pointed out by Therapeutics.

Besides these defects of order which, however, do not break the fundamental harmony of the plan, the fact that it has been unavoidable to leave the complementary matters and the specialities for the last year, has brought about the inconvenience of agglomerating numerous classes in the sixth and even in the fifth course, so that the toil laid on the students is resulting really extraordinary; this evil might be repaired if Dr. Licéaga's proposal was accepted to authorise Government to shorten several of the yearly courses established in the sixth year making them semestral.

On the other hand the convenience has been pointed out to render also the fourth and the third years easier, leaving but one course of bacteriology and incorporating that of pathological anatomy with those of pathology and clinics, in conformity with my hints.

Medical physics, chemistry, natural history and morals have also been eagerly discussed either because the knowledge thereof acquired in the secondary schools is considered sufficient or because these courses were said to be nothing more than an artificial summing up of knowledge reparted among several courses of the National School of Medicine; but various of their deserved impugnors admitted the study of those subjects may be convenient provided they are given the character they ought to have, i. e. that



John Ramirez de Arellano
Director of the National School for the Blind

of summing up and systematic revision, from special points of view, of anterior studies; so that in the same manner as medical morals is set up as an appendix to forensic medicine, medical physics would be a complementary part of the course of physiology while medical chemistry would continue forming the Introduction to Therapeutics in the fifth year already alleviated and in the sixth Medical natural history would be as a chapter of Therapeutics itself. In this way the mentioned subjects now independent according to a momentary disposition of the law of December 2nd 1867 would come to be mere amplifications of a special fashion prescribed in the programs of Physiology and Therapeutics in particular.

Such innovations, we see, would not mar the capital importance of the new plan while they would accept the just indications of its well deserved impugnors, the distinguished physicians Parra, Joseph Terrés, Secundinus Sosa and Francis Vazquez Gomez.

Concerning the study of Pharmacy and Obstetrics, the recent dispositions did not substantially alter the old ones and in the career of dentists all was left as it was before, i. e. only as an indispensable requisite practical exercises as a dentist's office to pass then an examination to prove sufficiency at the National School of Medicine. Such an organisation, doubtlessly deficient, has given rise to various dentists' initiating the establishment of a school having the character of a specialist one and being due to private endeavour, albeit counting on the sanction of Government.

Notwithstanding, the National School of Medicine not only excels among the ten establishments existing in the Federacy for the study of medicine and the fourteen for pharmacutists or the nine for obstetricians; thus it is not only superior to the remarkable Guadalajara school but it has justly been considered worthy of rivalising with several abroad both for the completeness and orderly arrangement of its plans and for the eminent masters it has had, such as Jimenez, Lucio, Lavista and for various of its distinguished alumni who now form the most select portion of the Mexican doctors. At present the number of its professors, preparers, assistants, prosectors and heads of clinic amount to 60 who during the year 1899 taught 373 alumni; the totality of its expense rises to more than 80,000 pesos and the majority of the 2,282 physicians (9 women), 1,579 pharmacutists (10 women), 258 dentists (5 women) and 2,110 obstetricians (only 3 men), registered in the census of 1895, have come forth from the auditories of the famous School established since 1854 in the monumental edifice of the ex Inquisition.

4. On December 15th 1897 not only the law about the National School of Medicine I have just spoken of was issued but also that about the National School of Fine Arts reorganising on one side the studies of Architecture and on the other those of Painting, Sculpture and Engraving; the principal innovation regarding the former consisted in the incorporation therewith of two new subjects: graphic Statics by means of which as is well known, you may quickly resolve graphically many problems formerly requiring difficult applications of calculus, and moreover three special theoretico-practical courses of ornamentation in order to impress in a lively manner by the different particulars of form the future building artists, thus fully differentiating them from civil engineers who, as I already stated, are destined to construct bridges, roads, causeys and annex edifices, but no works of art, and from military engineers who receive instruction to make retrenchments, fortifications and buildings useful for the army, but who, neither, get works of art to make and therefore, like civil engineers, do not make sufficient special studies of plastic form nor are they placed in a medium like the former St. Charles Academy, propitious to the development of the æsthetic ideal.

However, the improvements regarding the study of architecture run a great risk of remaining infructiferous as long as the authorisation granted by a law of the year 1855 will subsist, by dint of which any military engineer may act as an architect; as on one hand the Military College is established on the boarding system fully satisfying all the pupils' needs and on the other hand we happen to live in a period of peace when the services of many of the pupils of that College are useless for the army and there is little expectation of advancement, most of them, having their education during a relatively short period of time paid by the State, go forth into the towns and dedicate themselves to civil constructions for which, in a certain sense, according to the exact observation of Samuel Chavez, they are better prepared

than the architects, because the double habit of obeying as soldiers and commanding as chiefs educates them superiorly to treat the people charged to do the material work; so that the architects whose number was 246 in 1895 are to meet a stronger and stronger competition in spite of their having spent more years on acquiring a higher degree of artistic education. It is to be foreseen, therefore, that if those circumstances continue subsisting, the moment will come when there will be no pupils ready to pursue the profession of an architect.

As for the improvement regarding painters, sculpturers and engravers introduced by the new law into the National School of Fine Arts, it consisted in procuring to raise their intellectual level in a more adequate manner than it had been done before; to that effect instead of exacting from them, besides the practical subjects of their respective careers, living languages, elements of mathematics, natural history, geography and general history which they had been obliged to study in conformity with the law of May 15th 1869, which in this part almost had not been enacted, they were requested to do more and to do less: more because the new law prescribed that the pupils while studying their technical subjects at the National School of Fine Arts should course at the National Preparatory School or at any of the analogous schools in the States the elementary classes of mathematics, cosmography, physics, chemistry, natural history, geography, general history, Mexican history, French and the national language, distributed over the first six years of their curriculum; but at the same time they were obliged to less than formerly because in not one of the said subjects they were compelled to undergo an examination but only to assist at class: those matters were prescribed because their knowledge was deemed necessary for the complete intellectual education of every body and useful for the practice of the professions the pupils wished to exercise, it being obvious that a painter, a sculpturer and an engraver need rudimentary knowledge of arithmetics, geometry, physics and chemistry in order duly to achieve the technical operations of their respective arts; they want besides rudimentary knowledge of botany, zoology, cosmography, geography and history in order to be able exactly to represent the flora, fauna, landscape, sky and the epoch and finally they are in need of the French and Castilian languages to enter into relations with their contemporaries of the Mexican soil and with the men who in art as in all things have been the word of mankind.

However, for none of these subjects the necessity was prescribed to pass an examination, for otherwise the artists would have been obliged seriously to study those matters stealing the time due to the cultivation of their technical studies whereby they would have prejudiced the mental habit that must be acquired by men dedicated to the plastic arts, to devise all things by means of mental representations of coexistence, associating in their imagination coexisting things as they must be associated in pictures, medals or statues; and they would have acquired, in exchange, by the practice of scientific studies the two mental habits contradictory to the mentioned and pernicious for the intellectual development of a man who dedicates himself to the plastic arts: that of devising by means of mental representations of successions as they are doing who consecrate themselves to history, or by means of mental representations of likenesses more and more abstract and therefore formless as they are doing who busy themselves in sciences disdaining the differences that give things their forms, colours and reliefs, fixing their attention only on the common elements of the phenomena in order to construe thereafter the most extensive general conceptions and the amplest laws overlooking since then the things themselves, the only ones to be considered as single types by the individual consecrated to the plastic arts.

The new law, in spite of this progress, is not likely to succeed in developping art in Mexico, for two reasons: the first is that in peoples which like ours stand in their full period of organisation there are no capitalists possessing their wealth since long ago and therefore are resolute Mecenas of the national art, all being new capitalists who still are in the period that might be called of treasure making in which the one thing aimed at is the increase of wealth: indeed, the former capitalists were banished when the expulsion of the Spaniards was decreed or their wealth diminished through the civil wars or when they belonged to the old privileged group they saw how the clergy lost its riches in consequence

of the nationalisation laws and when their party was undone, they got terribly angry and withdrew from society or emigrated abroad, so that there will only be the new capitalists to grant protection to art when they will have passed the period of covetous enrichment they now are in. On the other hand the second cause that hinders the development of art consists in the circumstance that there cannot be but few good masters, an intensive artistic medium being wanting: hence the necessity of doing once more what was done in other times, viz, to bring some over from Europe.

In exchange the many *minor* arts would be a great deal easier to get developed because they are directly applicable to industry serving either for the decoration of edifices or for the artistic manufacturing of numerous objects of various materials; but notwithstanding, this branch of art occupying an intermediate ground between fine arts and industrial arts has not got yet in Mexico an institution destined to forward its cultivation. As for the plastic arts there are but few States that have insignificant schools for drawing and painting and in the capital of the country the National School of Fine Arts which with an annual cost of about 50,000 pesos and 24 professors, has taught, in 1899, more than one thousand pupils, although it must be stated that most of them do not pursue any special career, frequenting only particular classes, especially that of drawing and preferably the evening courses, in order thereafter to turn to account the knowledge acquired by applying it mainly to the industries; but as I have already stated they do not pursue any systematical and really appropriate studies regarding the mentioned minor arts.

5. The teaching of the industrial arts for their part has experimented a new impulse due to the plan of the National School of arts and crafts for men issued in September 1898. In virtue thereof instead of one sole career for each of the principal crafts, several more or less amply developed ones were established; the rudimentary ones for those who have not even finished their primary education and only know how to read and write, are: that of second class hand with only two years of elementary studies and practice in a workshop, that of a first class hand, studying one year more; the more extensive careers: that of electricist hands who must possess the whole primary education in order to be able to study the elementary sciences and arts they need to become skilled in the management of electricity and the career of machinist and foreman who must have coursed higher primary instruction and besides the three years curriculum of the first class workmen must study one year more of sciences and arts and learn the English and French languages, besides acquiring the necessary workshop practice.

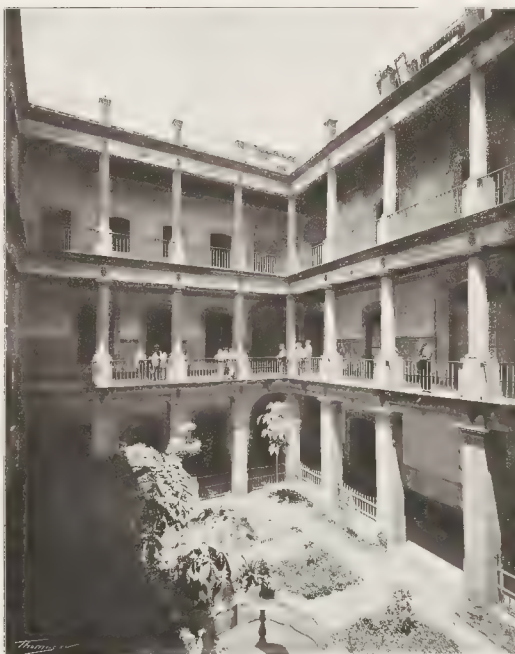
In this manner studies are adapted to the larger or smaller sum of knowledge possessed by them who wish to enter the School and moreover they may last between a very short time enough to form a workman of the last category and a rather long one necessary to become a foreman.

The Secretary for Justice and Public Instruction also manifests in the new law his just conviction of the impossibility of fulfilling the wish of some people to convert the schools into centres of industrial production, since the question is not to occupy workmen and obtain some produce but to teach pupils and to spend on their instruction bigger and bigger sums, so much so that in order to push poor people to learn a craft by rendering studies possible for them, arrangements have been made to feed them who prove rather thrifty, to clothe them by means of a uniform, to gather a small fund for them with the moderate retribution of their work since the third year of their studies to be handed them in the form of tools and instruments at the end of their curriculum; to deliver them a diplome and two years later give those who show good behaviour and laboriousness a prize of even two hundred pesos. The result of these new dispositions that have begun to be partially enacted in 1899 and will be fully carried through within a few years has already been almost to double the number of alumni in several workshops that formerly were opened only half a day and now remain open during the whole day. Unfortunately, however, this good idea is not yet imitated by all the analogous establishments both in the capital where they are at once charities, and in the States many of which persist in their erroneous purpose to create centres of industrial production, not considering that when they succeed they leave off teaching pupils being obliged to call in workmen from the street, ceasing to serve for education and becoming actual monopolies by dint of the privileges they have got and which the private workshops cannot enjoy.

The National School of Arts and Crafts for men is therefore that which at present has the most advanced organisation among the eleven analogous schools existing in the Republic: it possesses thirty four professors, preparers and assistant teachers, implying an annual expense of rather more than 51,000 pesos and keeps its old ten improved workshops frequented in the year 1899 by two hundred alumni.

6. By far more numerous was matriculation in that same year at the National School of Arts and Crafts for women, there being as many as 1,090 pupils attended by twenty three professors and assistant teachers, their annual cost amounting to more than 27,000 pesos. That school has not modified its plan, but has increased the number of classes, thanks to its progressionist director, the liberal Emmanuel Maria de Zamacona, by whom classes of typewriting, cookery and English have been set up.

To be sure, the reason why the number of girls matriculated at that school is so great consists in the pupils not being compelled to submit to any plan properly so called; they are allowed to matriculate merely in one class where they are occupied for but one hour which may well be robbed from the daily occupations; thus far from being an actual school, it is rather a group of free and loose classes all of them dedicated to useful knowledge and thus they offer any facilities to be wished for by those who having few leisure hours, want to increase their instruction. So it is indeed an establishment that satisfies real wants of teaching for a considerable group of misses, although the five similar schools existing in the remainder of the Republic have not the importance of that at Mexico.



Mexico.—Court-yard of the National School for the Blind

7. The work of reorganisation, so resolutely undertaken, has been extended also over the National Conservatory of Music, the new law being issued at the end of 1899 and beginning to be enacted in 1900.

The first thing provided by this law was the creation of a new school in the Conservatory, one of declamation that formerly only existed as a single class; at present two distinct careers may be pursued at this school: that of a dramatic and that of a comic actor; for both of them the curriculum is of four years with courses of physical and natural sciences destined to produce the intellectual education necessary for every man, graduate courses of geography, general history, Mexican history, costume and the customs characteristic of each epoch, particularly regarding the ceremonial, in order to hinder the future actors to commit anachronisms, and practical courses of redaction and literature to enable them correctly to use the spoken and written language. Besides the dramatic actors ought constantly to practise essays of adequate performances and in special classes they must study critical analysis of select dramatic productions, whereas the future comic actors must make the adequate essays of the relative performances and the special study of critical analysis of the best comedies.

As for the musical studies, they have been divided into three categories: those of mere instrumentists who must course only the matters indispensable to be able to play their instruments and besides a few classes, such as history and psychology, particularly referring to imagination, emotions and passions, to enable them to adequately interpret the compositions they perform; those of professors of instruments who must study besides counter-point and fugue and instrumentation, general theories of æsthetics and pedagogy of the instrument to which they will dedicate themselves, in order to be able to overcome the difficulties they may meet with in their professorship as also elementary courses of physics, natural history and physiology and hygiene to make them apt better to understand and practise the technics of the instrument of their choice; and finally those of the composers who besides the studies required for the professors must course, as a particular study, composition and acquire moreover a rudimentary knowledge of mathematics, geography and chemistry. On the other hand the studies of the singers and singing teachers are approximately corresponding to those of the instrumentalists and professors of determined instruments, while the organists must study, besides, a special course of improvisation indispensable for a good performer on the organ.

Thus it appears that the new plan of the National Conservatory of Music cares at the same time for the musical education and the parallel development of intellectual breeding, as is justly recommended by conspicuous Rieman in his famous «Dictionary of Music,» lamenting that such a system was hardly established at the Conservatories of Prague and Vienna and in a very restrained manner.

The new plan has shrunk, however, from overloading the intellectual tasks, justly afraid a considerable development of the same might be hurtful for the relative development of the æsthetic aptitudes: being inspired by analogous considerations as those which were taken into account regarding the Fine Arts School, the plan did not prescribe for all a large number of science classes because the cultivation thereof forms the habit of mental association by means of likenesses which is not that which musicians are to practise; thus, when the new law prescribes the study of sciences, it only wishes the pupils to assist at class without obliging them to suffer an examination; in exchange, it was not afraid to prescribe the study of geography and history because the former of these studies greatly exercises the association of coexistences and the latter that of successions both of which are practised by the musician: that of coexistences especially in polyphony and that of successions in all cases. Besides the new law did not fear to prescribe the study of psychology for all the future musicians, because thanks to it they will well understand and conceive better the emotions as well as imagination, and music, by means of sonorous images, shows, as Spencer says, the ideal forms of passion.

Lastly, the new plan prescribed, moreover, for musicians and actors, the study of French considering the acquaintance with that language necessary to set them into living contact with the ideas of the nation that has better vulgarised all kinds of knowledge; but it also added for the musicians, a rudimentary acquaintance with the Italian language in order to facilitate them the intelligence of the special terminology employed in Music.

This well devised law, suppressing the unwise prescription in virtue of which any pupil was formerly able to destroy any scheme by the fact of choosing the subjects he liked in the order he was pleased, would be of slender result if it did not bestow a special attractive on the careers of musician, composer and dramatic or comic actor prescribing that every year, in a large theatre chosen for that purpose, *auditions* and performances were effectuated with the assistance of those who had ended, or were ending, their careers and the pecuniary produce obtained should be distributed among them.

Without this measure whose realisation will be greatly facilitated by the circumstance that Government has just acquired for the town of Mexico the best of the theatres of the capital, the National Theatre (1),

(1) This theatre had just been demolished when this work was going to press, but Government will raise another that will be worthy of the capital's culture.—(*Publisher's remark.*)

the same thing that unfortunately had been happening during many years would have continued passing, namely: the theatres, at Mexico, would remain monopolised by undertakers whose only aim would be to make money and therefore would put before the public nothing but terrible melodramas such as are to be seen at Hidalgo theatre, which nevertheless often show a tendency to moralise the last rows of the middle class that constitute the bulk of their public, or, what is utterly pernicious, productions void of importance or full of bombast and inciting nakednesses.

Dramatic literature and music really worthy of their names being thus banished, with but momentary exceptions, from the town of Mexico and therewith in a certain degree from the whole country, missed a centre where to be cultivated, since the great foreign artists cannot either constantly occupy a Mexican theatre or place their performances at the reach of most of the social classes.

These evils are going to be remedied by the afore mentioned reorganisation of the Conservatory and the acquisition of the National Theatre for the town of Mexico; the fine musical and dramatic works will doubtlessly find a sufficient public as is proved by the fact that particular societies for concerts and chamber music have been able to sustain themselves for a more or less long time and that extraordinary success has been obtained not only in the capital but in all the important towns of the Republic by the eminent actress Maria Guerrero who has rendered herself famous chiefly by the masterliness with which she evokes the times referred to in the classic Spanish theatre and who by the intensive artistical emotion she knows how to inspire deserved the nomination conferred on her by the President of the Republic on February 27th 1900, granting her the rank of a honorary directress of the declamation school established at the National Conservatory of Music. This reckons at present on the services rendered by 41 professors and spends every year on its teachings rather more than 50,000 pesos; the total number of its pupils that had grown to be more than one thousand, decreased in 1900 being reduced to about 600 as it was to be expected since the new law obliged all the pupils to submit to a plan thus reducing the facilities they had when they studied single subjects of their own choice. May-be the figure of the matriculate will yet descend more; but, in exchange, the development of true artists will be secured by supplying them ordinally with all the knowledge indispensable for them and on the other hand the necessary instrumentalists will be kept up thanks to the exceptional circumstances they have been placed in reducing the totality of the studies to a minimum for them. To this end the secondary establishments which some States possess under the name of *Academy of Music*, the School for Military Bands and the musics of the army will contribute at the same time as the numerous private professors.

8. While these innovations have been going on at the establishments I have been speaking of, no change of moment was undergone by the Schools of Commerce and of Agriculture: the former persisted in its old character of a free institution being a juxtaposition of connexionless classes rather than a school, that is to say a coherent organism characterised by a determined plan of studies; to the already existing classes it has most successfully aggregated those of shorthand and typewriting and the number of pupils eager to learn never ceases to increase, because they only need to busy themselves an hour a day or every three days, early in the morning or in the evening having concluded their day's labour in order to acquire new knowledge, always useful although single and not constituting any career.

More than 1,300 alumni in 1899 and more than 1,400 in 1900 have frequented the School of Commerce where 27 professors, preparers and assistant teachers deliver their lessons, with a yearly cost of about 33,000 pesos. It is to be wished the teachings may multiply still more under the same system and the establishment may lose its inadequate name of School of Commerce and take that of Free School for pure and applied sciences. Thus it will render more patent its true character and show that in reality Mexico lacks an actual School of Commerce that ought to be created independently with a well defined plan and of which there are already more than ten analogous, albeit very imperfect ones, in the States.

9. The National School of Agriculture has also continued keeping its character; it may still be considered the only one in the country because two or three similar ones are but just being constituted; it has persisted as before, forming four careers: two of them requiring a preparation and the two other

not needing previous preparatory studies; the frequentation has also continued being very small: in 1900 it had scarcely 54 alumni, ten of them supernumerary ones and among the 54 there are 21 maintained as pensionists of the government of their States or of the Federacy. Therefore it is a just motive of constant preoccupation for all those who are interested in its future and who resignately see it produce so little fruit disposing as it does of a splendid establishment and a model farm, supporting 24 professors and preparers with an annual budget of more than 60,000 pesos.

The true cause of this deplorable state, however, does not lie in its plan but in the old routine of the owners of rural estates whom no need spurs to improve their cultivations; it is therefore doubtlessly a happy hit of the Mexican Agricultural Society to wish that School to establish fields of experimentation where publicly any one might behold the advantages of manure, tools and procedures left manifest for everybody. However it will be better to organise long practices, of a whole year's duration, through the main regions of the country in behalf of the few pupils and performed by them when they are near concluding their career. Establishing for those practices fields of experimentation on the private farms that will receive the pupils as they receive them up to now, they will constitute actual itinerant schools of agriculture and, parodying Mohammed's celebrated saying, the school will go to the landowners, their laborers and stewards since these do not come to school.

On the other hand, the National School of Agriculture will get some prestige out of the fact that the character which begins to distinguish the same will grow more and more accentuated: that of being a centre of elaboration and investigation of the various prophylactic means available for the prevention of cattle diseases; the incipient bacteriological cabinet it already possesses will certainly develop until it forms an actual institute of indisputable scientific and practical value which may become the nucleus around which later on the most important laboratories will gather, destined to resolve the future problems of Mexican agriculture.



Querétaro. — Normal School

CHAPTER XXI

IRRADIATION OF THE EDUCATIONAL SYSTEMS AND DIFFUSION OF INSTRUCTION

THE slight analysis exposed in the precedent chapters has it rendered manifest, beyond any doubt, that, regarding primary, secondary and jurisprudence schools, the town of Mexico has been like a big light whose shine has been diffusing by little and little towards the States. Such a fact cannot cause any surprise since the capital of the Republic is the town for which it is easiest to keep acquainted with the scientific and pedagogic movement of the world and which reckons on the greatest abundance of material and intellectual resources. Thus our capital has realised the sociological law well explained by Spencer and according to which the less important entities of a country model themselves after the type of the centre as also the truth has become patent of Tarde's assertion that imitation is a most essential factor of progress.

It is certain, however, that several times the States have preceded Mexico planting improvements introduced thereafter into the capital; in the same way Mexico has preceded Europe establishing before this gratuitous, compulsory and laical primary education and the regular system of secondary studies, as also a part of the organisation of the National Conservatory of Music and Declamation. Beyond all doubt, all this and other similar progress is due, like the advance of the United States, to the fact that in young

nations the ties of traditionalism and the numerous interests created by the old institutions are less strong; but, in general, the initiators of the ideas that have first fructified in the States, have received those ideas in the town of Mexico and, also in general, the initiators of those who have planted their schemes in Mexico belonged to countries of an older culture, salvo few and extraordinary exceptions.

At any rate the irradiation of the educational movement from the capital of the Republic is indisputable, as is undeniable, too, the constant endeavour of all the States to further instruction, being most remarkable in Jalisco whose grand schools of Jurisprudence and Medicine nearly rivalled with the Mexico ones; in Nuevo Leon thanks to the progressionist general Bernard Reyes, its governor up to the year 1899; in Mexico through general Joseph Vincent Villada's direct and eager decision; in Veracruz, particularly by its eminent pedagogue, the director of the Normal School at Jalapa, Henry C. Rebsamen.

On the other hand, several States, among them that of Aguascalientes, have had the rare quality not to imitate the centre founding professional schools of engineers, lawyers or physicians, suppressing them, on the contrary, because they are aware they do not possess elements enough to organise them and it is not convenient to multiply them, for the excessive number of professionals would bring about as a sure result the development of an evil already existing with regard to lawyers and medical men, they being too abundant for the needs of the public, especially in some towns where the existence of an intellectual proletariat is apparent.

2. The irradiation of the fundamental characters of the instruction imparted by the federal government has taken place, as I already stated, not only towards the States, but towards the private establishments too; but there, we must explain three modifications nearly constantly suffered by instruction when passing to be of private initiative.

The first consists in the loss of its gratuitous character universal until now for all the degrees of official teaching and indispensable in Mexico for primary and secondary instruction and even for some pupils of the professional one, since here as I have already explained, the impecunious individuals of the middle class are almost the only ones who dedicate themselves to study and if no gratuitous schools were provided for them, the total intellectual level of this country might prove lowered.

The private schools by the fact of being but exceptionally gratuitous get for their pupils the children of families in easy circumstances and thus form a social selection; but this same fact causes them often to have a clientage of spoiled children and youths rather difficult to be managed.

A second modification of the official plans of teaching which the schools of private initiative introduce is that of depriving them of their laical character, giving a religious instruction which in very rare schools is of the protestant confession and gratuitously imparted, especially by Anglo-American agents, while in the large majority it is of the catholic confession often commended to individuals of the clergy or organised by so powerful congregations as the Jesuits whose best institution is St. Francis of Borgia's that has adopted the official plan for primary and secondary instruction and is lodged in the monumental edifice known under the name of *Los Mascarones*, in the western part of the town of Mexico.

For many of the young ladies of the upper Mexican society the institutions sustained by the Ladies of the Sacred Heart exercise a particular influence, doubtlessly more due to their religious character than to the excellence of their teachings.

Finally, the third modification introduced by the most important private schools in the official plans is the boarding system which is nearly wholly abolished in the public establishments; it sometimes facilitates intellectual education avoiding distractions, but in exchange it is pernicious for the education of character because it creates habits of commensalism and parasitism, annuls self initiative and self government, produces propensity to promiscuousness and hypocrisy, loosens the subordination and affection of the children, weakens the sentiment of responsibility in the parents which unfortunately is already, as a rule, too loose and breaks, in part, the fundamental links of the family and thereby pulls out the stoutest root of social community.

Besides this deep cause of inferiority of the private schools, superior to the official ones only in very

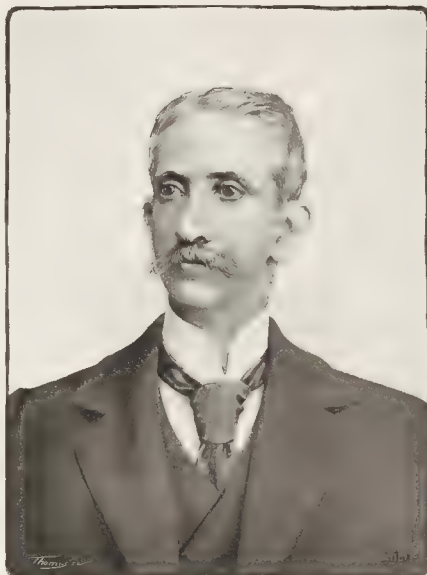
few districts of the country where public schools have not got to be well instituted, there are other circumstances placing them on a lower rank; above all, the lack of sufficient pecuniary resources hindering them to possess adequate tools and teachers and obliging them, as a rule, to found only establishments of mere primary instruction and at the utmost, the rudimentary classes of secondary education.

3. Nevertheless the superior education of the catholic clergy continues being imparted by the clergy itself and this condition could not but become accentuated since the separation of the Church from the State; the ecclesiastic authorities directly, on their own account, found but very few schools not dedicated to priestcraft, and therefore, regarding the public, limit their educational sphere of action to the pulpit and the confessional, thus reducing it to the morals that are diluted in religion. In exchange they amplify it in the seminaries they have continued founding in order to form their future prelates and in this respect their work is visibly progressing: in nearly all the States they support at present at least one of the institutions I am speaking of and as therein they begin with preparatory studies tending to equal the official ones they endeavour, sometimes successfully, to set up a formal competition with the latter.

However, and although in the Mexico Seminary, thanks to the sagacious initiative of the intelligent canon Francis Labastida, disciple of Mr. Barreda, they went as far as to make a resolute trial to introduce the plan of the National Preparatory School, keeping, however, the scheme of the old system granting so much importance to Latin and Metaphysics, the fact that this must subsist in every Seminary and subsists together with theology, causes them to maintain the *a priori* affirmations missing scientific proofs and opens an abyss between religious teaching and laical teaching, this latter being the only rigorous one and founded merely on science.

4. The diffusion of the principles regarding school education, carrying them not only from the schools of the Federal District to those of the States and from the Government's to those of private initiative, but through the whole population has been effected firstly by the schools themselves and by the great concentration work and in consequence of the dispersion of the Instruction Congresses spoken of above; it has been produced also by the influence of other scientific meetings such as those held at Mexico every two years, delivering great public lectures in the session room of the Chamber of Deputies, in order to discuss, beside numerous general problems, many educational ones, among others that of laical teaching and its supposed, but not demonstrated, influence in the increase of criminality.

The diffusion of the cardinal principles of instruction has been effected, too, regarding the higher studies, by the fact that Mexico during the last years has sent numerous representatives to the International scientific Congresses held abroad and thus has facilitated the planting of new institutions such as, among others, the Bibliographic Institute recently created, with a centre in the capital and other secondary ones in the States, in order to make the complete classification and registering of Mexican bibliography in all its productions of whatsoever kind, thus improving the ideal pursued by the international



Emmanuel Francis Alvarez
Director of the National School of Arts and Crafts for men

meetings of bibliography lastly effectuated at London, since these were limited to the bibliography of a group of sciences, whereas in Mexico the question is to embrace the totality of human knowledge accepting, as at the Brussels International Institute, the most complete decimal bibliographical classification due to that clever organiser, Michael Dewey.

5. The diffusion of the ideas concerning education has likewise been produced by means of different school publications among which we must cite: about the middle of the present century those which under the names of *El Instructor* or *El Mosaico Mexicano* carried their encyclopedic contingent into all the towns of the country; about thirty years ago *La Enseñanza* which had a more marked pedagogical character, especially for secondary education; and lastly, at the present epoch, three kinds of publications of various nature: the first and oldest reviews of special studies such as Medicine, Agriculture or the extinguished paper called *La Escuela de Artes y Oficios*; the second, publications of a short number of pages dedicated to primary instruction and especially useful to divulgue the principles of relative methodology such as *El Instructor* of Aguascalientes, indefatigably supported by Dr. Jesus Diaz de Leon; *Médico Intelectual* edited at Jalapa by the great pedagogue Rebsamen; *La Educacion Contemporánea* organised and sustained at Colima by distinguished educationalist Gregory Torres Quintero; *La Revista Pedagógica* of devoted and careful Emil Rodriguez, published at Monterrey, and *La Escuela Primaria* of the celebrated Rudolf Menendez who throughout the Yucatecan peninsula and even the Republic is the trumpet of the last pedagogic advances; so are by their acknowledged influence and especially by means of official papers the engineer and teacher Michael F. Martinez, in Nuevo Leon; the inspector of schools, Bruno Martinez, in Durango; professor Joseph E. Pedrosa, in Zacatecas; and Rebsamen's remarkable disciple Henry Paniagua, in Guanajuato. Finally, a third group of school papers is constituted by those that want to be the faithful reflex of the progress of the country and reproduce all the laws in force about the particular as also statistical reports and pedagogical studies that characterise national education in its different degrees and manifold phases. The sole publication partially answering this desideratum is *Revista de la Instrucción Pública Mexicana*, organised by the Ministry of Justice and gratuitously circulating among the teachers of the country and which under the editorship of the author of the present essay has already published all the laws in force about this particular in the Federal District, several of the States and year after year the programs adopted at the official schools, in order to diffuse in this respect the accepted procedures and methods.

6. The daily press, too, divulges scientific knowledge and the progressive conquests of Pedagogy although it does so only exceptionally and, as a rule, with considerable superficialness owing to the haste with which it must be made up and to the slight attention with which it is commonly read.

The press that in Mexico during long years has been a party weapon and a tribune for the eminent politicians who by the leading articles of *El Sol*, *El Siglo XIX*, *El Monitor Republicano* and many other organs endeavoured to diffuse their conceptions concerning the organisation and the needs of their country is losing its ideal of directress of public opinion placing itself resolutely at the same level and becoming more and more mere information papers nearly all of them, more than 530 in the whole country.

Placed on that ground and in spite of the excellent intention and the indisputable talent of several of its leaders the daily press finds herself obliged to grant a good deal of space to numerous particulars relating scandals and crimes which by the mere fact of being told, unmoralise and pervert; and as, on the other hand, it circulates everywhere in the country and in the same way penetrates into the homesteads as it is sold at the doors of the schools or falls into the hands of those who having received primary instruction possess no other means of enlightenment than the news paper, its responsibility becomes immense, being considered, in part with justice, as a corrosive agent and becoming totally so when managed by procacious adventurers of the pen, it is converted into the poisoned soul of prostitution and infamy.

Free from these terrible shortcomings but limited to a far smaller range, diffusing knowledge and education among a select group of inhabitants especially of the capital, we behold the press of the big

foreign towns, particularly the Reviews and foremost the French ones, although the actual orientation of Mexican intelligences does not derive either from them or from the books which, nevertheless, have been of greater transcendancy, rendering our politicians formerly encyclopedists and now positivists and evolutionists; the said orientation of Mexican intelligence rather derives from the meditations of the conspicuous men of our country who formerly elaborated the thoughts of Rousseau and Voltaire, and now those of Stuart Mill, Comte, Darwin and Spencer, impressing on them a new and, in a certain sense, original seal.

7. On the other hand, education is also diffused by the Exhibitions periodically effectuated at determined spots of the country, as for instance at Aguascalientes, with every possible regularity since some decades ago, while elsewhere they had a special character serving only to concentrate and show at a given moment all the produce of a determined kind; so it was with the Exhibitions of plants and flowers, or of fruits and cattle breeding, particularly in the environs of the town of Mexico and some of the coast States; so it happened, too, with the Exhibitions organised by the National School of Fine Arts which since the middle of this century have come to manifest from time to time the state of Mexican plastic art.

The Exhibitions have come to represent the last retrogressive stage of the old fairs which in countries where there are no satisfactory ways of communication, concentrate and agglomerate the inhabitants from time to time around the products of their industry educating them at the same time, as it were, by a motley lesson of objective teaching. Thus the fairs have served in the Republic especially before the introduction of railways, although they always were a hotbed for the development of forbidden games which stirring the passions were the feeders of numerous moral degenerations.

8. The fairs are disappearing as railways are multiplying and these, linking with more than 12,000 kilometers of rails the North and East and part of the West and South with the centre of the country and, in spite of very extensive portions of the same still remaining outside their embrace, have made the people of all the regions of the territory and even of foreign countries, especially the United States, touch, see and hear one another thereby mutually showing their abilities mutually exchanging their thoughts and have done a great deal for their reciprocal education at the same time as, thanks to the unfolding of their material interests, they have acquired an increasing steadiness, propitious to peace, favoured, in its turn, by the quickness of communications rendering the action of government more energetic and more efficacious; and having likewise facilitated the diffusion of schools and the more or less complete introduction of the pedagogical progress it results in definitive that the effect of the construction of railways on the development of education has been immense.

The education work has also been considerably forwarded by the incessant increase of the telegraphic and telephonic net, of the post and the transatlantic cables, throughout the country and beyond its boundaries; the increasing cheapness of all these means of intellectual union placing them within the



Gregory Torres Quintero, distinguished pedagogue

reach of any one of the inhabitants of the nation, has developed that anonymous form of teaching which results from the fact that some persons influence others at a distance by means of the unceasing transmission of their thoughts.

THE INDIRECTLY EDUCATIONAL INSTITUTIONS

1. The picture traced in the preceding chapters will not be complete if we do not make it so by indicating, although in the slightest manner, the existence of another complex of institutions which were initiated since 1867 and progressively founded later on, especially since, ten years after, general Diaz entered office as President of the Republic.

Those institutions whose direct purpose was not to be educational have been so however in spite of their different aims; the first of them aimed at elaborating Mexican science, being the Central Meteorological Observatory and the Astronomical Observatory definitively established in 1877, thanks to the patriotic and energetic endeavour of the minister of Encouragement, the great literate and publicist general Vincent Riva Palacio, and which at once caused other centres to spring up which at present form an actual net of meteorological stations over the country, many of them being constituted in the most important establishments of secondary education or in several of those of professional teaching.

The systematic and progressive knowledge of the Republic is being realised at present thanks to those observatories, for the meteorological part and thanks also to the Exploratory Commissions of the National territory, whose direct purpose is likewise to elaborate Mexican science and which, like the Central Meteorological Observatory, the Astronomical one at Tacubaya and the Astronomical and Meteorological one at Mazatlan, depend on the ministry of Encouragement; those Commissions are, by order of date of their foundation, the Geographical Exploratory, also instituted through the enlightened decision of the mentioned minister, general Vincent Riva Palacio, in 1878; that of Natural History which gathers data and forms collections in order to become thoroughly acquainted with the flora and fauna of the country; the Geodesic Commission intrusted with the great works regarding the formation of the exact map of the Republic and that established for the study and regulation of the rivers, with the aim of getting a complete knowledge of the national hydrography.

The work of the just mentioned Commissions is integrated by scientific institutes like the Medical Institute that has conquered a deserved reputation by its studies on the physiological and therapeutic action of numerous products of the flora and fauna of the territory, and the Geological Institute which, by the careful works of the distinguished geologists Aguilera and Ordoñez, has already made us acquainted with several important regions of the subsoil and formations of the country.

Such institutions which like several of the Exploratory Commissions owe their organisation and progress to the efficacious endeavour of the devoted minister of Encouragement, engineer Emmanuel Fernandez Leal, to be sure, will not yield the good results that justly may be expected from them, but after the lapse of several years.

Sufficient time is equally required for the work to be realised by another institute of great transcendence, the Pathological Institute initiated by the eminent physician Raphael Lavista and organised by the

VOL. I.—PART SEVENTH

National education

Mexico — Main aisle of the National Library



ministry of Justice as an annex of the National School of Medicine; founded in 1895 as a mere Anatomico-pathological Museum which very soon had got a collection of thousands of preparations wherein the effects may be studied disease produces in Mexico, was considerably widened in 1899, thanks to the same doctor Lavista, now comprising sections of Medical Chemistry, Bacteriology, experimental Medicine and Pathological Anatomy destined to store up exact informations about the development and proper characters of the morbid processes in our country.

2. But the enormous necessities of the nation not being satisfied by forming its geographical map and studying its subsoil, its hydrography, its flora and fauna, its particular diseases and the peculiar products that may help to heal them, or in other words, to elaborate science, it being needful, besides, to prevent disease and assure the indispensable base of all, health, another institution has arisen, not depending, like the Exploratory Commissions, on the Ministry of Encouragement nor, like the Pathological Institute on the Ministry of Justice, but on the Home secretary; thus being for a great part due to the constant effort of the remarkable physician Edward Licéaga, it was efficaciously sustained by the Home minister, general Emmanuel Gonzalez Cosío. This complementary institution is the High Board of Health which, as well by its regulations and inspectors in the town of Mexico as by the constant hints it gives the States and its direct action in the ports, is spreading the knowledge and practice of the capital principles of Hygiene; but it does still more: it has organised a gratuitous service to provide the means of preventing and healing several of the most terrible diseases availing itself of vaccine and has also founded a bacteriological cabinet destined to do more and more valuable service.



Joseph C. Segura, Director of the National School of Agriculture

These services, however, cannot be extended to the thousands of animals that constitute a very considerable part of the wealth of the Mexican landowners, and as the needs are creating institutions, that of preventing epizooties has created, as I have already told on another purpose, the incipient Bacteriological Establishment which begins to develop in the National School of Agriculture, under the auspices of the Ministry for Justice and Public Instruction and commences to offer the adequate sera to prevent some of the most terrible plagues of beastkind.

3. A third group of educational institutions has been developping, not like the Observatories, Exploring Commissions and Medical, Geological and Pathological Institutes, directly destined to elaborate Science, nor like the High Board of Health and the incipient bacteriological service of the National School of Agriculture, with the immediate purpose to prevent death, but with the aim of keeping the treasures of civilisation bequeathed by the past or the characteristic products of the country in order to present them afterwards well arranged for the examination, contemplation and study by anybody.

In the realisation of this task, in a certain sense, about ninety public libraries existing in the country are busy, especially the Great National Library; there are also working at this task more than 26 Museums of the Republic among which the National Museum is also excelling, with its monumental department of Archaeology and History in the first place, that of Natural History of a less high rank, and also the incipient ones of Anthropology and Paleontology.

The National Museum constantly enriching its collections and publishing most important historical and archaeological studies in its splendid periodical paper denominated *Los Anales del Museo*, was unable to organise by itself the conservation and constant inspection of all the monuments in the country disseminated over its vast extent and comprising not only remnants of gigantic fortifications like those La Quemada and of palaces like those of Mitla or Xochicalco, but remainders of whole towns, huge and strange like those of Teotihuacan with dwellings, temples and aqueducts.

In order to conserve these glorious archives of bygone ages and to maintain upright those old foundations of the Mexican fatherland, a plausible decree of Mr. Baranda organised in 1885 the Inspection and Conservation of archaeological Monuments of the Republic intrusting the same to Leopold Batres and little by little he established on the principal spots of the country, in order to conserve its historical vestiges, keepers and inspectors charged to maintain intact the rests of elapsed centuries.

4. A fourth group of institutions are directly aiming at forming individuals apt to perform circumscribed functions and nevertheless realise their education on a broader scale; such are the School for telegraphers which through the initiative of engineer Augustin M. Chavez was recently founded as an annex to the Direction general of telegraphs and has established the distribution of the studies in semestral periods under the dependence of the Ministry of Communications and Public Works.

To the same group of educational institutions but depending on the Ministry of War belong the School of military bands where the musics of the regiments are formed; the Military College that spends more than 120,000 pesos a year on bestowing adequate knowledge on the future officers of the army; the Artillery School charged to train workmen for the service at the arsenal; the Naval Military School for the breeding of good mariners for which purpose about 70,000 pesos a year are spent and several other establishments.

To the same group the School of Commerce belongs when it will get definitively constituted having been initiated, with the aim to form good banking clerks, by the progressionist Henry Creel wishing to give private initiative a new start since it lies half dead, the religious ideal having been lost for a large part.

All the institutions I have just referred, do not do more, however, than endow their pupils with determined aptitudes; the individuals prepared by them enter afterwards the immense machinery of life which modifies and adapts them or makes them disappear; they who by the same immense machinery become more and more appropriate are those who afterward conquer the best situations.

5. Finally, a last group of institutions whose aim is in part to educate and in part to elaborate science as well as to tie affectuous knots, are the scientific and literary societies. Mostly endowed with but ephemeral vitality they contrive sometimes, protected or not by Government, to diffuse their ideas and exercise a certain influence; among about forty now existing in the country the most remarkable are the nascent Positivist Society that pursues the purpose to exercise an efficacious social action; the Academies of Medicine, of Legislation and Jurisprudence, of the Exact, Physical and Natural Sciences and of the Language, as also the Scientific Society Antony Alzate, that of Geography and Statistics and several enthusiast juvenile groups, some of them of young ladies. Formerly there were the most important Philomathic Society formed by Dr. Barreda with his disciples, the Lyceum Hidalgo and afterwards the Mexican Lyceum where momentarily all the notable literary men of the country met.

The work of these Societies, however, can only indirectly be considered educational because their aims are manifold and in part contradictory, it being rather difficult to elaborate science and at the same time busy one's self in vulgarising it.

CONCLUSION

1. The immense work of organisation I have sketched, properly initiated by the Republic triumphant in 1867 when she had disencumbered herself of the parties that hampered her march, but which has hastened its exertions since the financial welfare allowed to do so, is all contained in germ in the law of December 2nd 1867 devised by the great educator Gabinus Barreda under the presidency of immortal Benedict Juarez and has been developing more and more through men like Ramirez, Tagle and Baranda during the epoch of the also immortal Porphyrius Diaz; afterwards diffused through its own power and by the Congresses, the Reviews, the books and the exhibitions, it has been improved by the establishments which pursuing a different ideal are realising, nevertheless, the national education.

Still susceptible of greater improvements by harmonising all its plans still connexionless in part at present, as in some of its degrees it establishes the division into semestral periods and in others it keeps the annual ones instead of accepting only the former, it will arrive at a most advanced stage of organisation when it will melt all its prescriptions, improving them, into one sole Code of Public Instruction and when it will acquire a thoroughly competent personnel. Meanwhile let us see what are the effects it has produced and let us trace an outline, to that purpose, of the present social state of the different ethnic groups.

2. To begin with the indigenes, they are, and at every moment will be still more, attained by the nascent aurora of primary instruction and this is already a great thing; but it is not enough: school leaves them when twelve years old and then the farm or the mine gets hold of them converting them into labourers and embraces them with the iron rings of routine and monotonous work; there the landlords ought to go to redeem them if they were sufficiently enlightened and humane, a thing which does not yet happen; in order to continue the incipient work of instruction and make men out of what still are but living motors; there they should be followed up by the beneficent influence of the masters, destroying routine, introducing modern agricultural machinery, spreading books and organising appropriate meetings where the redeeming dawns of art should begin to brighten before them. Thus the work of the primary schools would not be for the indigenes, as it still is, partly sterile, but their progressive education would be realised in youth and even in adult life.

3. For their part, the materially or morally abandoned children or villages are falling more and more numerous into the improved nets of the school registers more cleverly tended by the boards of vigilance thanks to which the children are acquiring primary instruction; but for them it is absolutely insufficient because they miss the supreme educational influence of family and before entering and after leaving school they find themselves without any kind of social links so that they must needs continue being sure candidates for parasitism or for crime, since by their very condition they are creatures placed at the brim of society or frankly in opposition to same, the asylums, charities or workhouses being useless for them because they neither form social links; so that the asylum children when they return to common life although they possess elementary instruction and are skilled in a craft, do not avail themselves of their knowledge for more than to gain a livelihood, if parasitism does not take hold of them, or to do evil if their passions lead them that way.

I have already stated that during the bloody era of our history the wars devoured the activities and lives of many of these creatures throwing others on the highways to be robbers and thieves; during the reorganisation period guided with a strong hand by the president who is now ruling us, Porphyrius Diaz, some resolute governors have mercilessly exterminated, for the good luck of the nation, a multitude

of outlaws thus establishing order and security on the roads; but as they have not been incorporated with the families, and as it has not been possible to exterminate the criminals who in the large towns are the successors of the generations of mingled classes without a family of their own, criminality among them is ever increasing and beyond all doubt will go on increasing at the rate population is augmenting if recourse is not had to other remedies. Indeed, I have already said primary instruction often remaining truncate for those people, is not enough; theoretical and cold moral prescriptions are not sufficient; religious preachings disdainfully heard at the arch, are not enough; those creatures feel themselves abandoned like a leaf not knowing from which tree it fell and school sets them free in front of misery



Joachim Beltran, colonel of the special body of the General Staff and director of the Military College

and innumerable examples of vice, at the very moment when the ardours of adolescence begin; the school or charity that momentarily protected them, abandons them when they are attracted by the alehouses, when street life with its coarse suggestions intoxicates and tempts them; when the inciting crowd of equally abandoned women passes before their eyes: then misfortunes unite, the abandoned associate, not solidly but while a determined passional state is lasting; and meanwhile the daily press is blowing over the turbid consciences its deliquescent breath, showing innumerable examples of crimes and the passions break out like volcanoes, giving rise to concubines, to new abandonments of children and to the crimes which unceasingly at the low bottom of society are winding their interminable Dantean spire.

For so great a dissolution and so precipitous a fall of the social group I am analysing there is perhaps no other preventive than that hinted at by the eminent Mexican criminalist Michael S. Macedo, viz: the resolute incorporation of the abandoned children with the constituted families, thus forming generations of adoptive children; ought it to be imposed by a law in order to save in the future the generations of unfortunate creatures? Perhaps, and

meanwhile, as feeble palliatives all sorts of post-scholar education work might be attempted, viz: the news paper rigorously and strictly moralised but interesting; the novel and, in general, the literary work apt to purify the vicious moral atmosphere of the consciences; the great patriotic festivals attracting the crowds by their clever organisation, the clubs rather than evening schools, the clubs where with the help of the magic lantern and lavishing the treasures of poetry, eloquence and music put at the reach of the poor, they may get those social links they lack and which when constituted for a moment they so easily break with their knives.

4. Meanwhile, and in the same manner as formerly, the most complete effect of the educational institutions continues being produced on the children of the mixed races born in duly constituted homes: they, the middle class people, form the majority of the 21,000 youths that annually ingress into the secondary and higher schools; women also begin to do so, since in this respect they have equal rights in Mexico and feel restrained only by the old acquired habits. Thanks to the influence exercised on this

social class by the various educational institutions, it has at last become master of the public power and of government since 1867, having also possessed itself of all the liberal professions in the country; but lacking pecuniary fortune and there not being a vigorous commerce nor a great industry established in our nation because the only ones who might have established the same, the rich, have not done so, they rush as on the only places where they may find what they need for life either on the practice of the same liberal professions which begin to be overcrowded or the conquest of easy offices, the Government ones, for which conduct the cannot be blamed since this social class, because of its poverty, cannot live otherwise, it being impossible for them to found commerce and industry properly so called.

5. There remains, finally, the great culprit, the class descending from the Europeans and the Creoles, the wealthy class: in stead of founding the industry and commerce needed by the country they have wasted part of their revenue in sustaining pernicious privileges in behalf of vexatary organisations; and hurt and routed and rancorous they isolated from all, even from civilisation: they have egoistically lived on the natural produce of their enormous landed property, on the working of mines, on the rents of their houses in the towns, without stimulating agriculture to compete with the foreigners and remaining inert not founding in the country, being the sole class able to do so, new forms of work for the disinherited which would very soon have become new fountains of wealth and life.

That culpable abstention which for its egoism might well be called criminal, consisting in an absolute heedlessness of humanity and the only care of enjoying the *dolce far niente* allowed by the wealth acquired with the cradle has given rise to the fact that undertaking foreigners came into the country and progressively founded the industry, commerce and ways of communication, that were wanting.

It is an eminent honour for the clearsighted rulers who are now governing us and at their head for general Diaz to have opened their arms to men of foreign countries causing them to create what we poor people cannot create, what it was the duty of the rich to do and what, in spite of all, they never thought of bringing about.

It is true the new comers are still exciting distrust and difficulties from the part of the good old Mexicans; it is also true they often misuse their riches and power; it is likewise true that some of them, having got rich, leave the country and that, if they do not well assimilate with Mexico, they may constitute a serious danger of national instability; but this, being quite certain regarding the parasites who come to gather the gold and suck the blood of the country to carry them to other nations, is not true respecting those who spend big capitals, irradiate them in the country and little by little get Mexican souls, like the Germans settled in Kentucky conclude getting Yankee souls.

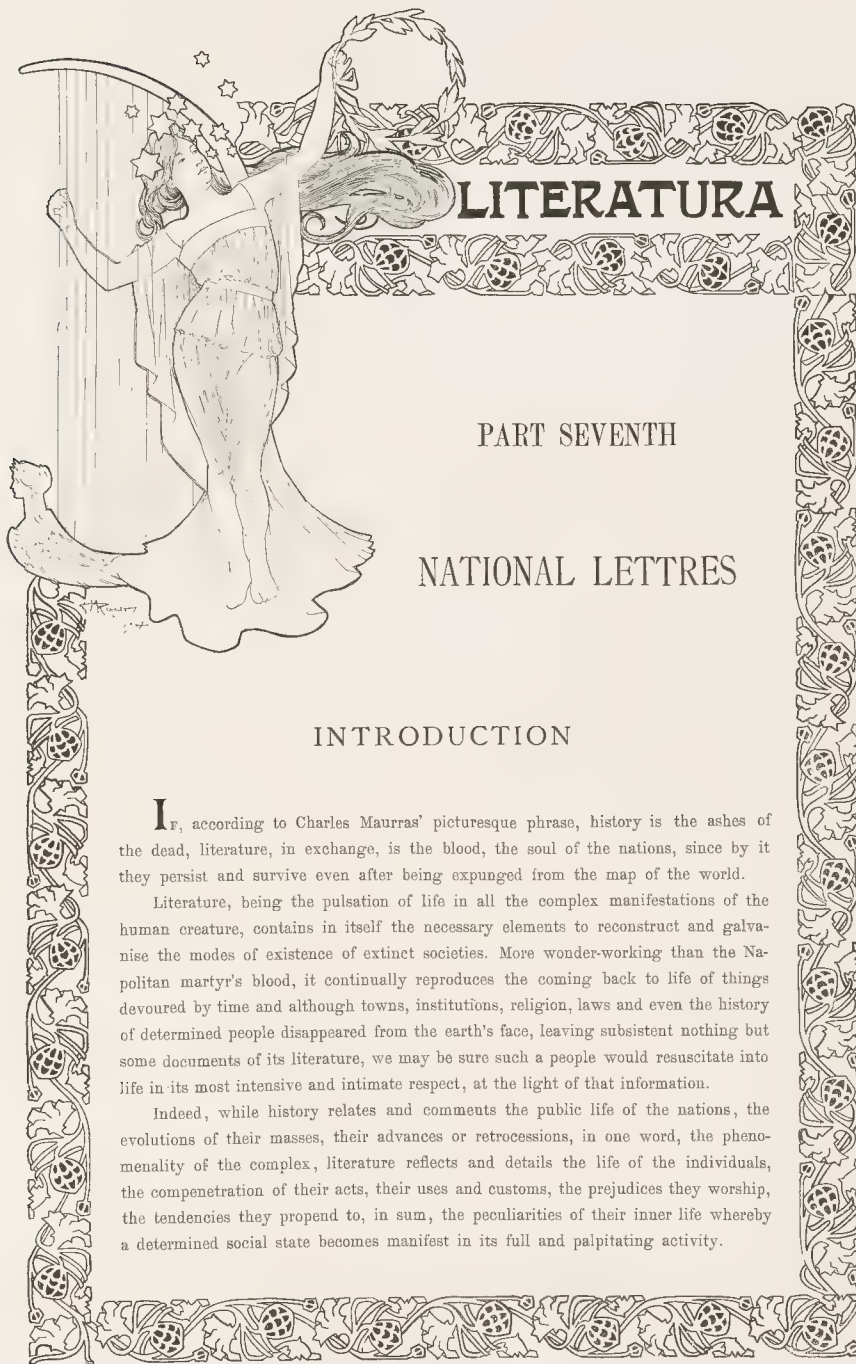
This new ethnical element brought by peace and the present rulers, is now beginning its evolutive cycle and it will be the work of the future to make it a Mexican element incorporated with the old semi-aristocratic element, to do with this what the rich ought to do, viz: to procure work and progress for the poor.

A work of the future it will likewise be to keep the high organising qualities that have made the Mexican middle class, the daughter of legitimate unions, the class educated in the schools, the model nucleus of the nation.

And it will, too, be a work of the future progressively to incorporate the individuals of the indigenous group and of the dissolute races annihilating those who will prove absolutely refractory.

Thus Mexico will accomplish the high destinies she is called to fulfil and which may be foretold taking into account the amazing facility with which she has won the great triumphs that place several of her various institutions at the head of the most advanced in the world.

Ezekiel A. Chavez.



LITERATURA

PART SEVENTH

NATIONAL LETTRES

INTRODUCTION

If, according to Charles Maurras' picturesque phrase, history is the ashes of the dead, literature, in exchange, is the blood, the soul of the nations, since by it they persist and survive even after being expunged from the map of the world.

Literature, being the pulsation of life in all the complex manifestations of the human creature, contains in itself the necessary elements to reconstruct and galvanise the modes of existence of extinct societies. More wonder-working than the Neapolitan martyr's blood, it continually reproduces the coming back to life of things devoured by time and although towns, institutions, religion, laws and even the history of determined people disappeared from the earth's face, leaving subsistent nothing but some documents of its literature, we may be sure such a people would resuscitate into life in its most intensive and intimate respect, at the light of that information.

Indeed, while history relates and comments the public life of the nations, the evolutions of their masses, their advances or retrocessions, in one word, the phenomenonality of the complex, literature reflects and details the life of the individuals, the compenetration of their acts, their uses and customs, the prejudices they worship, the tendencies they propend to, in sum, the peculiarities of their inner life whereby a determined social state becomes manifest in its full and palpitating activity.

The same idea had already been said by an eminent critic: «Literature (he refers to the Greek one) associated with national life, in its manifold manifestations, religious, political, military, commercial life, coming from the people and returning to the same, expresses the city's soul (1).»

It is to this magic of literature we are indebted for the perfect knowledge of extinct civilisations. The life of the Israelitic people comes to us, not through more or less authentic annals, but through its exuberant literature, by its delicious poems, for such, in the highest signification of the word, are the books of both the Ancient Testament and of the new law wherein the inspired genius of the four evangelists narrates the wonderful life of divine Jesus with so great an intensity of expression and colour that the protagonist is palpitating in those passionate pages. We know more about the Greeks and Romans by the prodigious literatures than by the narrations of their historians; indeed such is the vitality and might of these literatures that through them Greece and Rome continue living in ourselves and not anyhow but as teachers, as models by whose study we become initiated in the secrets of beauty, for in this respect we are not accordant with the newest schools.

In the synthetic picture we intend to draw the conception of literature does not enter in its amplest acception, for in that sense its jurisdiction embraces all the forms of manifestation of human thought and feeling by means of writing, from the scientific and merely didascalical book to the tribenary speech, from the most abstruse disquisition to the familiar letter. This synopsis is limited to what most properly and in the strictest sense we understand by literature, namely that intellectual manifestation by the written word which means to be an expression of something beautiful. To more authorised pens than this induct one of ours a special space has been reserved in this book to treat of the other modes of manifestation of intellectuality.

This plan, of course, does not exclude the oratory productions that are properly literary works as soon as they become written documents.

We are going to write about the national letters and so from the very beginning the question arises: is there a Mexican literature?

Eminent Marcelino Menéndez y Pelayo resolves it negatively. According to him, our national literature «is nowhere coming forth (2).»

Such an assertion, thus formulated in absolute terms, is inadmissible being inexact. If he means to say we Mexicans lack a literature showing an original physiognomy marking by itself a determined region of the globe, or human race, family or type endowed with an individuality of its own, we capitulate with the conspicuous academicians; but if his affirmation signifies that here, in this young Republic, there is not to be found any literary production, offspring of Mexican brains, investing in some cases something of a regional colouring, then there is exorbitance in his judgment. Then literatures were to be classified after the languages in which they have been or are produced, being reduced to a mere section or branch of linguistics. Then there would be no other literatures, for what we know, than the Indian, the Hebrew, the Hellenic, the Roman, and this one for the only reason of the language in which it is incarnate, since in the main it was informed by the Greek canons because its poets, its philosophers, its rhetoricians and all the literate men wishing to be valued went to Greece to study the models of Hellenic art in order to transplant them into Rome; there would exist no other literatures than the Arabic, the Spanish, the French, the Portuguese, the Rumanian, the German, the English, the Russian and the Scandinavian (Danish and Swedish).

The literatures are not entities forming from one season to another. It is the lasting action of time that calls them into being, with the slow alluvial deposits of the produce of the minds of the same stock and it is time, too, that is giving them consistency, stratifying them, as it were, until impressing them

(1) René Doumic: *Littératures de décadence. Revue des Deux Mondes*, September 15th 1899.

(2) *Antología de poetas hispano-americanos*, vol. I, p. 121.

a physiognomy of their own. To ask a new people to show a characteristic literature as the secular nations are able to do, would be temerarious. Indeed, the plentiful and monumental Spanish literature of our days did not begin to form before the XII century nor did it show a definitive character until the accession of the great Alphonsus.

To be sure, the language is the base and foundation whereon the literatures of an original character rest, literatures that persist irreducible to the languages formed by the evolutions of the former, as is proved not so much by Latin, from which Italian, Rumanian, French, Spanish and Portuguese descend by mediate derivation, but which is quite a dead language, as rather by the Provencial dialects from which those very same languages derive and which are still living amid their daughters without losing their individuality.

It is not so that the nationality of the literatures is understood nor can it be understood so, since the expression of the belles-lettres corresponds, or ought to correspond, to the nature and conditions of every people, at a given epoch.

Our literature produced in Castilian language ought to be a daughter of the Spanish, or if no daughter, a cognate sister and if it is not so, it is quite easy to perceive the causes that have decided otherwise.

As the first we may consider the war of insurrection of this former colony of Spain against her mother-country. The rancours of one people against the other engendered by this war may be measured by the duration of the struggle and by the atrocities perpetrated by the belligerents by law of retaliation exacerbated by wrath. Spain's attempts at recovering her dominion were not apt to contribute to soothe these rancours; on the contrary they rekindled and reinflamed them to such a degree that we did twice with the Spaniards what Spain had done with the jews, expelling them from our territory.

So great was in those days the hatred and enmity the new born Mexican nationality professed to her old mistress that had it been in her power to change her tongue she would have abolished the use of the language of Castile.

This state of mind persisted in Mexico still after 1835 when the young Republic figuring already in the concert of the nations, was recognised by Spain as an autonomic entity, for that acknowledgment was but an act of mere diplomacy. For the Mexicans the Spaniard ceased not to be the oppressor and covetous *gachupin* and for the Spaniards the Mexican continued being the rebel subject.

Another cause: whereas Spain did not yield the ideals imposed on her by tradition and to which she certainly owed past greatness, Mexico, seduced by the contagious doctrines of the French revolution and encouraged by the spectacle offered her by her northern neighbour, attempted a new orientation in her political life, an orientation thoroughly opposed to the colonial regime.

So we remained back to back with Spain and in literature we did not admit of other models than those coming from France and in this teaching we quenched with a feverish thirst our literary cravings, without measure or discretion. This is so incontestable a fact that when teaching was modernised at our colleges, the Latin texts were substituted by French ones which since then remain in the hands of the students of our official schools and even of those of a private character. One sole extenuation must be admitted on behalf of the Spanish influence in this respect: the merely individual influence exercised by Breton de los Herreros, the duke of Rivas, Espronceda, Garcia Gutierrez and Zorrilla, certainly circumscribed to poetry, the lyric and dramatic, not extending to other literary genera. To speak more properly, the part performed by the Spanish poets of the middle of the century just elapsed was that of initiating us in romanticism which, with the sole exception of Espronceda who imported it from England where lord Byron ruled without a rival, they themselves received from France whose spirit crossed once more the high frontier of the Pyrenees. As for the brilliant, frankly Spanish school of the XVII and XVIII centuries, the study thereof remained a reserved property of a few select talents who had no influence whatever on the general movement of Mexican literature.

When glorious John Prim came to lay the ground for a fraternal reconciliation between Mexico and Spain, condemning the Napoleonic felony with a most solemn reprobation; when the illustrious mountai-

neer (of Santander) Anselm de la Portilla made *La Iberia* (1) a banner of concord between Mexicans and Spaniards, it was rather late for us to turn our eyes toward Spain in literary matters. The decadency of the ancient mother-country was becoming almost palpable at that season and this circumstance did not recommend it to be taken for a teacher.

The triumph of the justly so called Reform laws since they broke off our political and religious traditions; the victory of the Republican cause and the very fact of the imposition of the imperial form by the arms of Napoleon III accompanied by the intrusion of foreigners with another than the Spanish tongue opened the Mexican lands to all the winds of the compass whereby our literary education counting on the contingent of the Anglo-Saxon and German production found new sources of teachings enabling it to fly steering new courses.

A thing worthy to be stated is that our literary francisation had so deeply penetrated into our minds that the hatred naturally generated in our hearts, at least in the most numerous republican group, by the Napoleonic attempt, was not enough to heal us of our affections, these affections being on the other hand sufficiently explainable, in view of the stated circumstances, by the affinity of our own language with the French tongue.

These are the reasons why, in our opinion, our present literature is not inspired by the Spanish writers. It being thus settled that we possess a literature of our own, although still in the cradle, why is it so poor and weak? why does it not fly with an eagle's flight but keeps fluttering like a voluble swallow?

This matter has already been elucidated with plenty of good reasons, like all of his, by our eminent humanist Joseph Mary Vigil (2).

Wishing rather to confirm than to impair the value of his reasons we are going to dilate upon them. Every production stands in direct relation to consumption. This law of science constitutes a most incontestable axiom.

Where there are no readers it would be a foolish undertaking to produce reading work. This production, like any other, has for its forcible regulator the number of readers.

People did not write in the land of the Batuecas of which Larra tells us, because they did not read and we feel obliged to confess that although we are far from being such a country we have no ground for boasting of the diffusion of intellectual culture.

Only when the blessed period of peace we are enjoying had come, our governments (and we must not forget that outside of official impulsion we miss all other initiative) have been able to consecrate their endeavours to the task of diffusing public instruction which, as is well known, the State imposes and gives gratuitously in the first degree as it likewise offers it gratuitously in the higher degrees and even professional instruction.

For that reason, consecrating one's self to the cultivation of the letters has not become a thriving business, but has remained reserved, as an intimate enjoyment rather than as a serious occupation, for literary men of easy circumstances to occupy their leisure as they rather disdainfully said, there being very few of them in a country where they rather misrepresented a man who spent his time in literary work, there being for the rich distractions and enjoyments of more marrow and consequence. The poor hardly ever could count on the munificence of a generous publisher to print their productions in exchange for nothing, because nothing was the transient impression which the new book happened to produce on the public.

It is purposely we have used the imperfect tense. Our present social state, happily, is no longer that of twenty years ago, a period, that, however short, has favoured us with remarkable increase in all kinds of progress.

(1) Daily paper founded and edited by Mr. Anselm de la Portilla.

(2) «Some considerations about Mexican literature.» *Revista mensual Mexicana*, vol. I.

Albeit, the hour for literature is not come yet. Another finality claims and absorbs our forces.

In the present state of civilisation individuals and nations need, above all, assure their welfare, base and cement of all advance, of all enjoyment not troubled by the anxiousness for to-morrow.

Our forces are, and must be, taken up by the resolution of our economical problem, only means to assure our national and individual independence. This resolution once obtained all the rest will come to boot.

If the paradox that poverty is the great inspirer of genius, could perhaps not be such in times gone by, for there is no proof that poverty suckled the supreme intelligences that have glorified the human mind either in sciences or in letters or in art; if such a paradox could formerly be held a truth, nobody can seriously sustain such an opinion now, in the present run of times. For some very sensible reason of old, the epic poet relegates to the horrors of the tremendous night ill advised hunger—*malesuada famés*—and infamous poverty—*turpis egestas*.

Misery is the legitimate mother of sadness, of envy, of despair and divine inspiration does not laugh rejoicingly in the lap of filthy rags.

When our culture will be diffused in the degree it is going to be, when our great and justified solicitude for the present will be satisfied, we shall be authorised to trust that our national literature will display gallantly and exuberantly yielding mellow fruit as in autumn a well-cultivated orchard does.

I

RETROSPECT

The general title of the present essay is sufficient to make the reader aware that there is no room therein for epochs anterior to independent Mexico.

The people, the group called Aztec, that occupied the Anahuac region, disappeared by Cortés' conquest rapidly incorporating with New Spain both the lands where the Meshica had imposed their domination and the remaining peoples or tribes spread over the tableland of the central mountain range and its slopes. Thus, we are no Aztec people.

Nor are we a Spanish people although we derive from Spanish incubation, since, through the fact of the emancipation, we are constituting a separate nationality, endowed with different institutions from those of the land that was our mother-country, with germs of proper vitality tending towards aims which have nothing in common with the aims pursued by that country.

During the Colonial system there was nothing here but Spain: Spanish was the colonist born in Spain, Spanish was the creole, Spanish, by bastardy, was the mestizo, and the Indian, he was a Spanish chattel.



Statue of general Prim in Barcelona

The idea of a Mexican fatherland, therefore cannot be reconciled with either of these two social states, so that if we were to look for specimens of literature in the epoch of the viceroys and found anything, it would be nothing but mere Spanish lettres, or to speak more appropriately, neo-Spanish lettres.

As for printed books none entered the colony nor could be printed there without previously passing through the severe censure of the Royal Council of India and so much did the Crown care about this matter that the whole title XXIV of book I of the Indian laws was conserved to settle, in the most detailed and minutious manner, the prohibition of all commerce of books with the colonies. A law (1) we feel obliged to copy because its eloquence is deserving thereof, forbade the Spaniards and Indians to read profane books. «Because from carrying to the Indies books in the vernacular tongue treating of profane and fabulous matters and fictive stories many inconvenients may follow. We order the viceroys, Audien-cias and governors not to allow them to be printed, sold, kept or carried into the districts and to provide that no Spaniard or Indian may read them.»

It is not to be seen how the cultivation of literature could be possible under that system of tyranny we will call suspicious not to use another appellation. Talents feeling a craving to fly received the vacuum for their atmosphere.

If there was some literature in the country the few and insignificant works were due to Spanish minds cultivated in Spain whence they came not quite disinterestedly, either banished in punishment for faults committed at the Court, or to acquire merits in order to ascend to higher charges or to gather fortune or to fill Church prebends or to perform fat offices in the Colonial government.

Letters like every manifestation of life, in order to prosper, require the breath of liberty and as we have seen, the conditions of New Spain were not such as to afford the luxury of a literature.

To be sure, the prohibitions we have just hinted at suffered a constant relaxation and never were in force as ineludible laws but for persons of little consideration, it being well known how little the powerful respect prohibitive laws, especially when they are not sanctioned by reason. And, on the other hand, ideas have an incoercible power to which it would be foolish to set barriers or to chain up.

Times were changing, in spite of the cursings of Philip II's manes, and the natural effect of such a mutation transcended to the whole political and economical system of Spain, becoming accentuated in a nearly radical manner when after the death of the Enchanted the sceptre of the still immense Spanish dominions passed from the Austrian to the Bourbonic dynasty, making King Sun's overflowing covetousness cleverly satisfied by a negotiator of the qualities of the marquis of Harcourt.

The French mind had always propended to freedom of the ideas so that when it came to influence directly the life of Spain through the accession of Philip V, the colonies could not fail to become aware thereof.

On the other hand, the xvii century raised the Spanish literature to its glorious zenith and its powerful radiation reached the colonies, if not in full, at least with the twilight of dawn.

Thus, letters attained a relative floridness in New Spain mostly due to geniusses of metropolitan extraction, although there was no lack of poets and learned bred in seminaries and cloisters and in the halls of the pontifical University of Mexico (2); but poetic rapture being cohobited by the rigours of censure, frightened by the threatening spectre of the Inquisition courts, not to speak of the retail inoffensive and intranscendent literature, joust of ingeniousness occasioned by the oath-taking of kings, birth of princes, exaltation of viceroys or archbishops or the death of a monarch, could seek inspiration only in religious subjects or in those aiming at celebrating the prowesses of the conquerors or the magnificence of the lands subdued by them.

(1) Law IV, title XXIV, book I, loc. cit.

(2) It is idle to advert we do not comprehend in this allusion eminent John Ruiz Alarcon who had nothing more of a New-Spaniard than the fact of having been born in the colony. He received his literary education at the Court and there, after a tenacious and not very lucky struggle, conquered the legitimate laurels with which posterity crowned him.

They who have dedicated themselves to special studies about the ancient things of this Colony exalt the advance attained therein by the letters as early as the XVI century and so great it seems to have been that they bestowed on the Tenochtitlan of that time the flattering epithet of Athens of the New World.

The few monuments of that literature the learned do not vacillate in calling rich, that have escaped the voracity of time, are certainly very far from deserving to be recommended as master-works.

He who pretended to try the epic trumpet, remains immensely far from Camoens and not a little from Ercilla; it being impossible, even for the most passionate patriot, to find in the *Peregrino Indiano* anything resembling *Os Lusíadas* and it would be an exaggerate pretension to look for any such feature, or even anything like *La Araucana* for this also would mean to ask for pretty much. The *Peregrino Indiano* is, in sum, nothing else than Bernal Diaz del Castillo's chronicle put into verse. As for *Grandeza Mexicana*, abstraction being made of the poetical form, the superabundance of language and the constant misuse of hyperbole, he who has read the collection of Cortés' letters to emperor Charles V will know the pattern on which Dr. Bernard de Balbuena calked his poem.

It surprises, therefore, and surprise even reaches amazement, to see amid so much inanity rising on a sudden (*Si como torre in solitario campo*) the prodigious figure of the divine nun, justly called *Penth Muse*, Sor Jane Agnes de la Cruz.

Her apparition is called «supernatural and miraculous» by the as severe as profound critic Menendez y Pelayo and it is well known how little fond he is of rendering exaggerate judgments.

That extraordinary woman, her own teacher, for if she had teachers, they learned from the egregious pupil how genius possesses the virtuality to supply every teaching, this prodigious woman is a literary glory and ornament not only of her century but of the whole colonial period. Her talents extend over the whole knowledge of her epoch and thoroughly dominate the same and she were like an orthodox Hypatia had she obtained the crown of a tumultuous martyrdom.

The is not only a poetess, and a poetess of spontaneous inspiration and most potent soaring, for the vibrations of her golden lyre alternate with lucubrations in the dominions of science. She is acquainted with all things, she writes about all matters and on all she leaves impressed the print of her undeniable superiority. She is versed in theology, versed in philosophy, music, numeric arts and even in politics, and it is astonishing to see with how much gallantry, elegance and novelty her pen discourses on the subjects she pleases to elucidate. She knows latin and through that knowledge she contrives to understand the art so masterly cultivated by the bards of paganism and those other bards, the fathers of the Church.

Both by her beauty that was fascinating to according the judgement of her contemporaries and the painters who reproduced it on canvass, and by her privileged intelligence she won the caresses and homages of the viceroy's court; but she found that courting and flattering pale and fictitious, the pomp and grandeur whereof the powerful are infatuated seemed paltry to her eyes and the worldly horizon was narrow for her lofty aspirations; so she sought the infinite she craved for in the narrowness of a cell, beneficent asylum where she might find herself alone with the immensity of her own conscience.

She is not contaminated by the vagaries of the poetry of her epoch; her exquisite good taste does not accept the colossal darings of boisterous Góngora that trouble so many minds and contagion so many talents and within her own criterion that seems informed in the school of the great masters, she produces a work of some extent and applauded and crowned by her contemporaries she obtains from posterity the continuance of the worship which is tributed only to genius.

A true poet she possess the clew of the feelings of human heart and therefore she succeeds in showing them in genuine natural beauty and for this reason her works will live as long as the life of Castilian language will last (1).

(1) Two critics deny the superiority of the eminent nun's poetical talent: father Feijóo who deems her more
VOL. I. — 153.

We have staid a while to speak of the divine nun because of the interest she inspires, like a wanderer who after a tenebrous night's march stays to contemplate the king of stars who tearing the dense fogs clears up the horizon and rises majestic to produce day.

Sor Jane Agnes de la Cruz sums up all what New Spain might claim as a legitimate literary glory and before her all the literate there were in the colony become effaced and disappear as the stars grow pale when Diana appears in full light.

The xviii century found Spain in so deep a decay, as though tired of dominating the world, alone against all, and with her forces exhausted she dropped down crushed by the weight of her own greatness,



John Ruiz de Alarcon

that all the generous endeavour of the three Bourbons, from Philip V to the vanquisher at Bitonto, was unable to raise her from her unhealable prostration.

Those three Bourbons, especially the great Charles III, superabundantly won the right to claim the Spanish people's gratitude and History's applause; but their work being frustrated, their ideals remaining unrealised, they only left this one great teaching: it does not depend on the will and stubborn action of the head of a State to change the destinies decreed for a people by the law of Logic. The present is, and will always be, the fatal result of the past.

The liberal policy of those three Bourbons aimed at steadying the foundations on which the Spanish monarchy rested, roughly shaken perhaps more by domestic intrigues than by struggles abroad and meanwhile, an easy access was opened to the colonies for the modern ideas which undermining the old world were not long in pulling it down.

The philosophy of the century penetrated through the posts of the so called Spanish America either by smuggle or by the very objects of licit commerce, with the fashions, usages and customs brought from beyond the Atlantic by travellers, emigrants or office holders.

New political ideas were penetrating into or arising in the consciences; aspirations, till then if proxistent, hidden, became manifest and new forms of existence showed themselves in outline, all this being favoured in not a small degree by the prophetic report and plan of government for the colonies of that profound and enlightened statesman Count of Aranda.

In New Spain nobody cares any longer for poetry or idle literature. Other feelings prepossess the

deserving of fame for the universality of her knowledge in all the Faculties than for her poetical eminence, and Francis Pimentel who considers her an artificial, mannered and even gongorine poet. Against such a judgment there arises the sovereign doom of popular opinion, there not being in Mexico or in Spain either any person not knowing by heart more than one quartain of her «Defence of woman and censure of men.»

minds: they forefeel the coming struggle against the existing order of things and during that most profound and disquieting gestation of the next future some events happen that abbreviate the stage.

After the death of Charles III and the accession of his witless son, a period of mean intrigues and corruptions ensues, comparable only to those of the reign of the last king of the Austrian dynasty, making New Spain a gratification for viceroys apt only to debase the prestige of power, but useful, highly advantageous for the great cause that is going to arise: the emancipation of the colony.

The name of Charles seems to have been abolished in the succession of the Spanish monarchy and not without reason.

II

GENERATIVE ELEMENTS OF MEXICAN LITERATURE. THEIR DEVELOPMENT AND PROGRESS

The outcry of Independence shouted by father Hidalgo from the corner of Dolores ran like a plutonic quake throughout the extent of already unquiet New Spain.

The conceptions stammered by licentiate Truth amid the scandal provoked by his unheard of temerity which the Holy Inquisition made him pay in a narrow jail by a mysterious death were now proclaimed with the frankness and bravery of a defiance to combat. Popular sovereignty, emancipation from Spanish dominion, constitution of a home government, with participation of all apt men, without irritant exclusions, the right of equality even with the former dominatrix herself, in one word, the claim of the colony for the attributes inherent to national autonomy gave origin to new vocables never heard until then, whose proper acception was not to be defined but after the realisation of their meaning and which although corresponding to ideas still but confusedly conceived nevertheless suscitated in the brains new directions of intellectual lucubration.

Father Hidalgo's manifesto refuting the anathemas fulminated by the high clergy against the insurrection, his own and his heroic lieutenants' proclamations, sounded as informed in a new language; and those documents, most of them fugacious, ill kept in the memory of those to who were addressed thereby, constitute the seed of a literature called to germinate in a soil different from that in which the literary men of the colony had been wont to cultivate them.

Camp life with its overflowing of expansions, with its exuberant enthusiasms, with its cravings for combat to win the expected victory; the community of rejoicements for the success won or hoped for, the community of sorrow for the death or captivity of companions of strife, for that war was waged under the black flag and without quarter, all this must necessarily inspire and really did inspire minds although uncultivated, not lacking a certain poetical gift, now gay or enthusiastic, now melancholic and painful songs coming forth unexpectedly at the shine of the bivouac fires, during the halt of a stage or the nightwatch of the sentries. And those songs, children of as rude as spontaneous an inspiration, unadjusted to the precepts of art, were nevertheless poetry, and poetry for what there is sincere, ingenuous and artless in the divine muse, as there is perfume in the odour of the wood flower and song in the singing of the bird in the thicket.

However those germs of literature thus scattered were not susceptible of fecundation in their diffused form. The soul and feelings of the insurgents were absorbed in the difficulties of a war so unequal for them, in which they must supply by their valour, self denial and heroism the lack of resources and make hopes of victory out of the phantastic mirages of enthusiasm. After this, all the rest was of no importance.

The human evolutions once initiated, find in themselves encouragements that seem to come from a supreme will. The insurrection needed a means of propagating its ideas and the blood of Hidalgo, Allende Aldama and Jimenez was still cooling on the gallows of Chihuahua when Dr. Cos contrived to endow

with a printing office (1) the *Supreme National American Board*, at Citácuaro, a powerful catapult that was going to spread in every direction the thought of emancipating rebellion. A glorious fruit of that acquisition was *El Ilustrador Americano*, a weekly Review which erected into a chair of popular doctrine diffused the first notions of public right and of the principles of modern civilisation, bringing to all the minds the justification of the colonial rising. The soul of the *Ilustrador* was the young Yucatec lawyer Andrew Quintana Roo who after winding round his head the oak wreath of great patriot won the triple laurel of publicist, jurisconsult and poet, counting for his worthy collaborators Ignatius Lopez Rayon himself, president of that Board, and the mentioned Dr. Joseph Maria Cos.

The Constitution of Cadiz brought the Colony the novelty of the public liberties guaranteed by the

same and although they were curtailed here by the masters of power and influence, under their shield another patriot, Joseph Joachim Fernandez Lizardi contrived to found *El Pensador Mexicano*, a publication wherein the bold journalist turning the risks of official suspiciousness and intolerance, tried by side paths to slip into his writings the new philosophical and political doctrines and the most advanced aspirations of democracy, a precaution which however did not save him from being twice led into the dungeons.



Sor Jane Agnes de la Cruz

Great wars are generators of singular literary movements a phenomenon that seems to be explainable by the mass of facts they leave behind and by the abundant plenty of ideas with which they strongly impress the minds when such wars have for a cause the necessity to resolve transcendental principles of life or national modes of being. These ideas and those facts solicit the intellectual activity of the thinkers to be developed or commented.

Our independence being consummated by the mere fact of the uninterrupted series of disloyalties of the author of the Iguala Plan,

new events were evolving by law of logic being virtually contained in the mere fact of emancipation.

Expelling the last viceroy was not to render us independent on Spain; giving the colony a new geographical denomination was not to create a nationality; the old regime would persist as long as no new institutions came to effectuate a radical change in our political organisation and in our customs.

After the downfall of the Iturbidist empire by its own inanity, the planting of the democratic republican system brought new elements of agitation into the social life of the Mexicans. Journalism, a life force of democracies, palpitating organ of the public liberties, gained, as was but natural, a powerful increase and by it the literary aptitudes at the same time as the political capacities revealed themselves to the country, of course not beyond the speculative sphere. Journalism because an open field for intel-

(1) To the persevering toil of this illustrious patriot the insurrection owed her first print whose types, up to compose five sheets, he cut with his own hand.

lectual activity in all the manifestations it is susceptible of and in the periodicals they enounced and controverted political platforms, every kind of theories, thesis about all matters embraced by human knowledge and in the periodicals poets and literates brought to light their essays in lyric poetry. Since then up to date, although the cultivation of the letters by itself has not been in this country a profitable business or a means of living, neither poets nor literates have a cause to complain, for during many years the counsellors of State of our governments came from the editorial staffs of the periodicals and it has been a frequent thing to see how an ode, an elegy or a speech declaimed at some civic or literary solemnity obtained as a reward for their authors either a magistrate's chair or a deputy's curule or a distinguished post in bureaucracy. Nobody like our poets or literates may repeat, satisfied with themselves, the conceptions of him who was to become lord Beaconsfield: «Literature is my escutcheon of nobility; I am a nobleman of the press.»

El Pensador Mexicano, *El Noticioso*, *El Sol* and *El Correo de la Federación*, were the first periodicals by which applause and fame were conquered by the poets and literates who had sprung up in the hotbed of the struggles for independence and between the political parties that remained definitively organised during the gestation of the Federal Pact of 1824. Of these parties *El Sol* and *El Correo de la Federación* were the respective kings at arms, the former representing the conservative and centralist ideas and the latter the liberal and federalist aspirations.

Freemasonry was not alien to the fecundation of our literature; besides giving the two above mentioned political parties their organisation, besides extenuating the violence of the political passions by the feeling of fraternity it proclaimed for its fundamental creed, its members at their lodges, exercised themselves in the use of speech, an art called to act a most important role in the management of our democracy, and in speculative disquisitions on philosophical and social problems of more or less transcendancy.

Three foci of literary radiation formed in the young Mexican Republic corresponding to the three great political divisions of the colonial period: Mexico, the capital of the viceroydom, Guadalajara, residence of the Audiencia of New Galicia (Jalisco) and Mérida capital of the Military district of Yucatan (1).

The first of those three focuses was chiefly formed by contingents from the other two; for the life of diversions by which the large capitals distract those who are bred amid them occupying the time they might dedicate to profound studies, save exceptional vocations.

The literary men outside the capital never got notoriety but coming there to exhibit themselves, for the centralism which the colonial system left impressed on our whole mode of existing for a long time, the isolation of one region from the other maintained during many years by the lack of communication roads and therefore of contact, were the causes why the divers regions ignored one another and in Yucatan, for instance, more was known about any European country than about what was going on in the Mexican lands beyond the capital. So great an ignorance was dissipated chiefly by the cultivation of personal relations between the representatives of the States who came to the capital to constitute the legislative Chambers.

For the same reason, the literary production of the provinces as it is called even now, restrained to local circulation, remained almost unnoticed by the rest of the country.

During the endless tempest of disturbances tearing the Republic literary education was toilsomely increasing and improving. The faculty of teaching being entailed on the Church, the intoleration of her doctrine was no obstacle to the coming forth from her own seminaries of independent minds endowed with amplex of view, possessed with a craving for knowledge beyond that they received in their halls,

(1) I am indebted to the bounty of the Yucatec aesthete Emmanuel Sales Cepeda and the excellent Jaliscian literate Marian Salado Alvarez for the data I shall have to state about the Jaliscian and Yucatec literatures. Let this remark serve as a public testimonial of my thankfulness towards those gentlemen.

aspiring towards ideals described by intuition or rather forefelt or perhaps roused by the very limits or-thodoxy marks to knowledge.

Printing being the privileged genius of literary diffusion, the progress of typography gave the cultivation of the letters a most vigorous push; hence the history of our journalism constitutes a chapter and a most important one of the history of our literature.

Except journalism properly so called, i. e. that of the daily papers, all those which have contained and continue containing a section destined to belles-lettres, never lacked exclusively literary articles or reviews, not a few of them of extraordinary merit, all useful, wherein poets and literates, with free soaring of their inspiration, have produced works of a meditated plan and ample development.

We do not speak of the *feuilleton*, a mode of publishing literary novelties born in France and accepted everywhere, because in this country it has missed importance. Here it has not been availed of to make the original productions of our literary men known by the public and the editors of daily papers, more intent to make money than to forward true literature, open their *feuilleton* to cheap exotic literature, thus filling the sheet of letter press without more expense than the compositor's wages. That national letters win nothing thereby, what does it matter? What does it matter that the crowd destitute of æsthetic criterion pervert their feelings and often sip deleterious poison? The editor finds his profit and that's enough.

Journalism being an integral part of the national literature we shall not grant it a special chapter but it will form a section of the following chapter destined to a survey and examination of the Mexican literary working where we shall find an opportunity to point out which have been the journals, which the Reviews of literature that have more fecundly contributed to rouse and stir the fondness for poetry in the three focuses of literary radiation above mentioned.

III

THE LITERARY WORK

In view of the nature of this survey we must needs limit our exposition of the literary production to the works and authors who have exercised a bigger influence on the evolution of letters in a determined branch or who have succeeded in winning the favour of the public having or not a just claim for such a privilege. To proceed otherwise besides being a task far above our reach, would be a subject for a work there would be no room for in the proportions assigned to it in the pages of this book.

Regarding method we have vacillated whether in drawing the present picture it would be convenient to classify our literature by schools and we were drawn back from such a proposal by the heedworthy consideration that strictly speaking in Mexico there never were literary schools: those we should call classics, would be so only by dint of the epoch they were writing in, for by lack of other patterns they sought their inspiration in the only ones they were allowed to know; nor had they potency enough to create new forms or styles. This is so much so that it is easy to observe how, since the romantic school became known here, the same author who in one composition shows classical tendencies, in another no less applauded one, reveals a frank romanticism. Unwilling to subject our literary production to the bed of Procrustes, to submit it to any system of factitious classification, we shall be guided only by the ideas we have pointed out above. On the other hand, if we were to shut us up in the preceptist criterion, besides assuming infulæ of professorship we are far from pretending, we should change the nature of this study which is of synthesis, not of criticism.

And why not declare so? We feel a deep respect for the doctrines of classicism to which human culture is indebted for the revelation and teaching of the arcana of beauty in letters and art; but our respect does not go so far as to become fanaticism. It must be admitted that more than one Horatian canon has lost its authority, mainly because the evolution of art, its improvement, which it would be

temerarious to deny, has thrown off the rules either no longer in conformity with nature more attentively and more intelligently studied or restraining it to one sole point of view where they are multiple.

A transcendental harm has resulted for classicism from the work of those mediocre spirits that ambitious of literary palms thought they could supply their poverty of inspiration by excessive observance of the rules, being unaware that they were set up to guide inspiration, not to create the same. It is quite well for the Sun's horses to be bridled if it is Apollo who is to guide them. But if those pragmatics mean to abolish the privileges of creative genius converting polite literature into an unevolutionary intellectual manifestation, into an Amazonas dammed up between insurmountable dikes, they must be derogated, they must be condemned; the contrary would be the negation and death of literature, and literature is affirmation, is life, is immortality.

Let us repeat: there are no literary schools in Mexico; they who apply to themselves the strange attributive of *eclectics* do not militate under a determined flag nor do they constitute a nucleus or acknowledge any leader; they fix the carats of literary beauty according to their individual feelings, after the impression caused or the perception suggested by the reading of a book. And that is no school and never will be one. If a neologism were admissible, the attributive *auto-aestheta* rather than any other might be appropriate, because their appreciations in literary matters are governed by the feeling of their own ego.

It being necessary for this picture not to break with all ideas of order we shall follow the one imposed by the organism of literature itself, that of the genera into which it is divided.

POETRY

Being the primigenous child of literature poetry has a full right to figure in the foreground.

If we could boast of every thing as of having poets we should be not only an American Attica but the head of the cultured world. Even amid the numerous phalanx of literates who have aspired at putting on the evergreen Apollinic wreath we must make a discreet and cautious selection. Spanish language being endowed with an incomparable adaptation to poetry, it is not strange that persons, without any notion of prosody or metrics, versify with number and measure completing the illusion the prestige of rime and among them who received some literary education there will hardly be one who has not made verses in his golden juvenile age; verses, to be sure, *verba et voces pretereaque nihil*. But it is not the art of versification that makes a poet, he has his root in a higher power, in a more singular disposition. «Those blind men, according to the expression with which Anatole France has amplified the old *Vates* (devine), who see what other mortals do not perceive,» do not spring up like a brood of quails; they are *rara avis* provided with privative faculties such as are required either to rise to psychical idealities and to reveal in human language and



Joseph Gomez de la Cortina

under sensible forms the abstract and incorporeal or to immerse into the deep abysses of conscience and raise from the bottom pearls or mud, for all this lies confused in the arcana of our essence, or to interpret nature's voices in their intimate sense, not penetrated by all. That is to be a poet.

We have plenty of them, indeed; not all of them are of the same rank, as not all the bees of Hyettus shine with the same gold or sip from the same rose; but all are worthy to compete with those who in other cultured nations attain the renown of poets.

LYRIC POETRY

The breath of inspiration has its gradations and even its genera, but there is no doubt, it is in lyric poetry where it soars with greater liberty. All the modulation of feeling, all the expressions of emotion, all the forms of whatever human mind conceives find in lyric their best interpret, passing without fetters or interceptions, from horridous and unchained hurricane, breed of febrile passion, to the doleful complaint and the thin sigh in which pain, rapture and tenderness are exhaled. Therefore it is in lyric poetry that the poet's genius and temperament manifest themselves most generously.

Three noteworthy lyric poets open the history of our national literature: Andrew Quintana Roo, Francis Ortega and Francis Emmanuel Sanchez de Tagle. The poetic inspiration of the three bards educated under the authority of the precepts of classicism, nevertheless does not flame with equal fulgor. They are three very distinctly marked personalities. The first of them offers this singular contrast: the prose in which he wrote the articles of *El Ilustrador Americano*, organ of the insurgency as has been stated elsewhere, and that celebrated proclamation of his, titled *Aniversario*, improvised almost under the discharges of the royalists hosts, is like lava made incandescent at the fire of enthusiasm; whereas his patriotic ode: *To the 16th of September*, where the loftiness of style equals the correction of form, sounds majestic, indeed, but lacks the starts and raptures that were to be expected in view of the former productions of the eminent patriot; it seemed as if when striking the lyre he was quite under the control of the cold and severe rules of the art.

The second, on the contrary, rather gives himself up to his inspiration, allows the feeling that dominates him to expand freely and when anger shakes his plectrum, he goes so far as to increpate, as to insult and outrage, as may be seen in his silvas *A Iturbide, on his coronation*.

Not so Sanchez de Tagle who differs from those two by the temper of his muse, sweet and meek, never passionate or violent, nor fond of a tragical and heroic mood, even when he sings: *To the entrance of the triurant army* or *The rout of Barradas*.

Our three bards are a legitimate ornament of Mexican history wherein they will live as imperishable patterns of the highest civism and of the noblest private virtues.

The new nation which like Hellenic Pallas sprung up at the tremendous blow of the war hatchet, to the ineffable rejoicings of freedom, fecundated with the blood of its heroes, a generous sap that promises an intense and endless life, is no longer a sterile ground for the cultivation of letters and art for this double manifestation of human intellectuality is a characteristic sign of national autonomy.

Lyric poetry is now flowing frank and trustful, not afraid of tyrannical compressions which it will know how to break or to brand by its own value.

There arise pleiads of lyric poets among whom Joseph Gomez de la Cortina, Joseph Joachim Pesado, Emmanuel Carpio, Emmanuel Edward de Gorostiza, father Michael Jeronymus Martinez, Joseph Sebastian Segura, Alexander Arango y Escandon and Ramon Alcaraz stand out. Gomez de la Cortina makes himself noticeable by the correctness of his language rather than by the soaring of his inspiration; Pesado sucks his best inspirations in Hebrew literature and in his harp there resound the biblical canticles masterly interpreted, whereof a victorious testimony may be found in his paraphrase of the Psalms and in his poem *Jerusalem*; by the fluidity, elegance and profoundness of thought with which he contrives to develop the motive that inspires them, his sonnets may well compete with the best ever produced in so

difficult a genus by the Castilian Euterpe. Unequal and not very spontaneous is Carpio, a fast friend and correlative of Pesado's, whom he aspires to emulate in the biblical subjects and in descriptive poetry, but never attains either in inspiration or literary taste in which accomplishments Pesado is by far his superior. The poetical works of each of them have supplied materials for single volumes, with the particularity that Carpio being inferior to Pesado, has become more popular. Properly to speak Garoztiza has no titles to figure in lyrics his production therein being weak and extremely scanty; it is in another genus he is culminating with peculiar brilliancy.

A mystic poet of first rank is father Martinez for whom like Gutierrez Cetina one sole madrigal was enough to render his name imperishable; the sonnets *Jesus Christ* and *Pruning* raise him to the summit of Parnassus. Segura, with quite analogous mystic tendencies, remains behind the illustrious canon. Arango y Escandon and Alvarez, opposed in political ideals the former being liberal and the latter conservative, coincide in their lyric tastes and aspirations without becoming equal: in Alcaraz there is a loftier poetic feeling, and more learning in Arango y Escandon.

The whole of this group belongs to what now would be called the old school. In the epoch when they made themselves known, romanticism did but begin to invade our literature in which it was called to make itself felt with no less intensity than it reached in Europe. This same group reinforced by the aid of other distinguished literates founded the Academy of St. John Lateran, the first important centre of literary culture organised in the Republic.

This report comprising the national development of letters, we need not open a special chapter for each of the fields on which this evolution has been operated; if we did so, we should break up the unity of the subject, it would seem as though we wished to

attribute a typical character to the literary manifestations of Jalisco and Yucatan, not ignoring the fact that in both these States they produced themselves spontaneously and with entire independence on the capital. Thus, then, the synchronism of the national literary evolution obliges us to spring from one to another of such centres, but this does not mean an actual solution of continuity.

Paul Moreno is considered to be the initiator of the literary movement in Yucatan and to him, beyond doubt, the Yucatecs are indebted for their first instructions in the cultivation of letters. But his influence was not due to his productions, for if he produced anything it was lost; it was due to the doctrine he spread as a master destined to propagate the principles which the philosophy of the xviii century bequeathed as a glorious heritage to the century just expired.

Before literature got a master and founder in Yucatan, there were already literary inclinations revealing themselves and not in a futile manner, but by productions worthy to attract the attention of literate people.

The row of the peninsular lyrics begins with Wenceslaus Alpuche and Marian Trujillo. The former



Francis Emmanuel Sanchez de Tagle

fiery and even impetuous and for this very reason perhaps rather unsubmitive to the rules of art; the latter quiet and incontestably less incorrect, never attempting to transgress the limits of lyric poetry applying his never discordant lyre to either religious or festive subjects whereas Alpuche ventured on loftier matters trying his breath at the Homeric trumpet, not very successfully, as it must be stated in justice.

Of Trujillo's productions all memory would have been lost ere long even in Yucatan; Alpuche's published works are contained in a small sized volume wherefrom the distinguished biographer Francis Sosa picked the compositions he judged most valuable, to insert them in his *Biographical and critical essay* by which he honoured the memory of his conterranean bard.

We are now going to speak of the genesis and development of literature in Jalisco considering the same from the individual standpoint and in its connexion with the national literature of which it is an integrant part.

It is quite natural that any kind of production of former New Galicia was much sooner known in the capital than anything coming from Yucatan, this being a simple question of geography since Jalisco is almost contiguous with the capital whereas Yucatan has continued living with the remainder of the country in the same condition as in the epoch of Spanish dominion. Our Oriental peninsula is going on acting the role of Mexican Insular colony, which does not mean that its relations to the Centre and the other States are not more intimate than those cultivated among merely neighbouring peoples, not linked by identity of interests.

Sympathetic Guadalajara being a nest of eagles her thinkers needed no tiresome flight to come and sit down on the height of the capital which by the very fact of being so, suffices to bestow notoriety on anything excelling in any conception. A full and indisputable right to be considered father of the Jaliscian letters belongs to that conspicuous man, Francis Severus Maldonado who gave the insurrection at Dolores her word in the justly so titled *El Despertador Americano*, first organ of periodical publicity at the service of the cause of Independence and a phoenix from whose ashes rose somewhat later on *El Ilustrador Americano* already mentioned above. Participant with Maldonado of the honour of Jaliscian literary priority is Judas Thaddeus Ortiz endowed with a remarkable fondness for sociological studies in which he surpassed the illustrious Guanajuatan Dr. Joseph Maria Lewis Mora,¹ according to the already noteworthy young literate Victorian Salado Alvarez whose enlightened judgment we follow.

However, Maldonado and Ortiz must be considered as the precursors of the era of letters in Jalisco, because the double title of founder and teacher is claimed by illustrious and eminent reverend carmelite father friar Emmanuel of St. John Chrysostomus Nájera who, like those tutelar genii of Renaissance, cultivated letters and arts while teaching and propagating them with a most singular fondness.

During the period elapsed from 1834 to 1856 in which that great thinker exercised his luminous influence in Jalisco and the whole Occident his modest cell was shining like a sanctuary consecrated to the worship of Pallas Athena whither there came to imbue themselves in the doctrines of poetry and fine arts and even the complex political sciences, painters and musicians, poets and prosaists, statesmen, orators and journalists; that most discreet monk was acquainted with everything and it may be assured there is no branch of human knowledge which he has not cultivated with exemplary discernment. Glorious was father Nájera's mission and his fecund teaching is testified by such illustrious names as those of Calderon, Cruz Aedo, Villaseñor, Joseph Maria Vigil and others, legitimate pride of the national letters (1).

While literature was thus developping in the most Oriental and Occidental parts of the Republic, it took ampler and loftier flight in the centre.

(1) We consider father Nájera as the founder and teacher of letters in Jalisco, not for having been born in that region of the Republic because he saw day light in this town of Mexico on May 19th 1803 and made his studies here, but because he went, already loaded with knowledge and in the full development of his high faculties, to settle at Guadalajara as prior of the convent of his Order and there he instilled the plenty of his wisdom into juvenile brains that defrauded not the endeavours and hopes of so eminent a master.

The lyrical group founder of the Lateran Academy becomes enriched by the cooperation of poets of exuberant and ardent inspiration. Quite numerous is this new phalanx, but, as it happens with every manifestation of genius, some few are called to culminate and win the palm of triumph.

Joseph Maria Heredia, although not a son of the Mexican land which he adopted as his fatherland anxious of liberty restrained in his native soil, captive Cuba, deserves to be placed at the head of this never setting constellation of brilliant bards. With a virile and lofty inspiration, a strong and majestic accent, a simple and neat expression of his ideas Heredia is like an incarnation of that god who in the ancient theogony presides over and harmonises the movement of the stars. He was a fecund lyric producing many and good things, but among his productions there is one which like the lofty summit of a high mountain range surpasses all: his song to the Niagara that will live as long as the huge cataract will fill the space with its noise.

Ignatius Rodriguez Galvan is the genuine personification of the Mexican romanticist. None of the poets of his epoch poured his soul with the same spontaneousness as he into his vigorous stanzas. His habitually gloomy and sometimes sinister muse makes her lyre resound with terrific vibrations. Nobody like him forefelt the misadventures of his country and when he increpates the governing men his verses acquire all the terrible solemnity of Jeremias' threnodies and when he vaticinates what is to come, lightning with anger and indignations, he paints the misfortunes that will happen and which, alas, in an evil hour come to pass, as though he was assisting them, as if his eyes of a clairvoyant possessed the doleful faculty of penetrating the darkness of the future.

Rodriguez Galvan enjoys the gift of translating his ideas with singular clearness, without sacrificing in the least the poetical turn; in his images there is a palpitating realism; his inspiration is rapturous as it agrees with his nervous temperament and his accent is thunder and torrent and unchained hurricane when his inspiration reaches paroxysm. Of how much promise of literary glory did his untimely death defraud us! How many fruits that precocious talent would have yielded when come to maturity (1)!

A room must be granted here to Casimir del Collado who, although a Spaniard by birth, a nationality which he never wanted to lose in spite of the deep rooted fondness he professed for this Mexican land, caused his well inspired muse here to produce her seasoned fruits. His temperament is quite opposed to that of Rodriguez Galvan. His placid and serene inspiration ignored the raptures of vehemence and his verses flowed like a tame and diaphanous stream which lets perceive the gold sand over which it runs in the same way as it reflects the blue sky of a pure conscience never darkened by the grim



Alexander Arango y Escandon

(1) Rodriguez Galvan died at Havannah at the age of twenty-six years.

blackness of the tempests. If Collado's work ought to be affiliated in some school, it would be so without vacillation in the classical one in whose principles he was deeply imbued. Had he not been a true christian, he might have been a stoic. Wholly master of himself his compositions came out at first hand such as he wished them to be known with that freshness and that tone of sweetness which is to be noted on the pictures of the master over which time's patina has already passed.

Ferdinand Orozco y. Berra was also a most remarkable lyric although it was in another genus of letters he most excelled. With different vocation from that of his brother Emmanuel, the two are like the two faces of a precious medal. Both possessing privileged talents but while the latter applied them to the study of history, those of the former, less coercible obeying his creative impulses, were dedicated to belles-lettres in which he rose to no less an altitude than his most learned brother.

Aloysius Gonzaga Ortiz was the romanticist of the group we are sketching whose lyre paid the largest tribute to divine Eros. Anacreon was for him the best interpreter of poetical sentiment; but his sensual muse never transgressed honesty's inviolable laws, resembling Merejkowski's half pagan, half christian Arsinoe. Perhaps that moderation was imposed on him by the medium wherein he flourished, the obscurities of naturalism being still unknown.

Even if the treasures kept in the soil of Guanajuato were of more value than they are, of more weight and value is her excellent poet John Valle. Orphan of light, orphan of school, orphan of fortune and orphan even of maternal love, this quadruple orphanism hindered not the development of his lofty and creating fantasy, for, blind as he was he contrived to conceive and express the form and coloration of the external world. «The poet of the revolution» he was called by his illustrious biographer Francis Zarco, because the glorious revolution of Ayutla, the most radical one of our history, was the inspiring genius of Valle who consecrated it his best songs. And he obtained his premium, how not? he suffered the ignoble vengeance of his merciless political adversaries who did not allow themselves to be appeased neither by the isolation or the poverty or even the blindness of the unfortunate poet; for in civil wars men become implacable wild beasts.

We will give the attributive of minor poets, not in the classical sense of the conception it must be understood, to those who although they produced no transcendental work nor exercised a notable influence on literary development, deserve to be recorded for having paid their tribute to mother Poetry, sometimes with a lucky inspiration. The list is long, although we do not enter on it all who have versified in the diluvium of printed sheets rained from our typographies, lest only those who, not lacking studies or happy hit, were able to produce some works not to be disdained, although unable to break through the penumbras of mediocrity.

This phenomenon of the multitude of poets in the epoch we are treating of, answers to a law of time: on one hand the sentimentalism that dominates in young peoples; on the other, the scanty diffusion of positive sciences whose cultivation is reserved to a small number of persons and then as a complement of these coefficients, the impulses of romanticism giving every individual voice and authority to externalise his own subject in the sympathetic form of verse, a form to which our harmonious tongue wonderfully lends itself.

To this category belong Joseph Maria Lacunza, Joseph Maria Lafragua, Felix Maria Escalante, Francis Granados Maldonado, Francis Gonzalez Bocanegra, author of our national hymn, Antony Larrañaga, Augustin A. Franco, John Diaz Covarrubias and Emmanuel Mateos, a promise cut off in flower by the ire of political hatred (1), Emmanuel Tosiá Ferrer, Andrew Davis Bradburn, Mark Arroniz, Joachim Maria del

(1) Diaz Covarrubias and Mateos succumbed, the former at the age of twenty-one and the latter of twenty-three years, on April 11th 1859. Being medical students they did humanitarian service to the constitutionalist army under the command of Santos Degollado. This being routed at Tacubaya, Diaz Covarrubias and Mateos were made prisoners and court-martialled.

Castillo y Lanzas, Joseph Gonzalez de la Torre, Joseph Maria Rodriguez y Cos and the poetesses Josephine Letechipia de Gonzalez and Dolores Guerrero, daughter of Durango the latter and the former of Zacatecas.

The periodicals wherein these geniuses made themselves known and which exercised a powerful influence in the propagation and cultivation of literature throughout the country, were, besides the papers of a political character, those which as has been stated elsewhere consecrated a section to belles-lettres, the weekly papers *El Amigo del Pueblo*, *La Minerva* and *El Recreo de las Familias*, which must be considered as the initiators of the literary movement in the Republic and were followed by those of imperishable fame *El Mosaico Mexicano*, *El Museo Mexicano*, *El Semanario de las Señoritas*, *El Presente Amistoso*, *El Liceo Mexicano* and *El Repertorio de Literatura* which were a field of emulation honouring the national typography between so intelligent publishers as Ignatius Cumplido, Vincent Garcia Torres, Marian Lara and Ignatius Escalante.

Chronology obliges us to return to Yucatan where the appearance of a truly extraordinary man founds and teaches the worship of the beautiful with the authority of an indiscussed master, authority imposed by nobody, but selfsettled, as all superior things impose and establish themselves spontaneously. This man was Dr. Justus Sierra most versed humanist, imbued in all kinds of knowledge, remarkable juriconsult, eminent journalist, original novelist, and only not a poet, that is to say, he made no verses, because he knew quite well, his right judgment would have told him, Apollo adjudicates no laurel to mediocrity.

Among the many and excellent things that flowed from the illustrious Yucatec's inexhaustible vein there remained a monument sufficient by itself to demonstrate the universality and solidity of his knowledge: *El Fénix*, a polygraphic periodical which he edited in the town of Campeachy and in which there may be found healthy and savoury teaching for every appetite for learning.

It was Dr. Sierra who showed the greatest initiative and the most eager endeavour in the foundation of the Academy for sciences and literature of Mérida, an institute from which the fecund spreading of belles-lettres and scientific studies started for the whole sphere of influence in which the capital of the peninsula has caused her intellectual supremacy to be felt since a long time ago. Dr. Sierra presided over, pushed onward and encouraged that new evolution whose noble tendencies the horrors of the caste war of terrible remembrance, was unable to disturb. It is true and must be stated in honour of that peninsular people, there was no contrariety of the social order or of such a nature that it had not been conquerable by the unshakeable tenacity of his character and the inextinguishable enthusiasm which burns in it to ascend the summits of human progress.

The Academy gave life and breath to most remarkable talents that acquired notoriety in the different branches of knowledge. Now we must limit ourselves to speak of the lyric poets among whom the palm was due to Vincent Calero Quintana, Joseph Antony Cisneros, Peter Ildephonsus Perez, Raymond Aldana, Wenceslaus Rivas, at Mérida, and Michael Duque de Estrada-Leclerc and Lewis Aznar, at Campeachy.

Calero Quintana deserves his renown as a prosaist rather than as a lyric poet, for as such he produced little, but that little was pure and correct, as it was to be expected from one who made study a matter of serious occupation, governed by a criterion free from fallacious influences or preconceived opinions. He was a great friend of Dr. Sierra's whose doctrines he respected as if they were canons. His inspiration never broke any dike and was distinguished by its simplicity and discreteness.

The poetic vein of Cisneros is that of a profound thinker who has recourse to the grace of the muse to render reason's suggestions attractive and enchanting. An essentially reflexive poet as he was, he never gave way to genial fits of romanticism and he must be considered related to Jorge Manrique or to the author of *Epístola Moral*.

Being an inventive spirit he tried to create under the title of *Quimeras* (chimeræ) a form of small poems opposed to immortal Campoamor's *Dolores*. By them Cisneros gave or pretended to give all the evolutions of the human being and all the accidents of life optimist explanations, we cannot say reso-

lutions, sometimes soaked in the most tender piety. That invention won no favour, not because of an erroneous conception nor for its tendency but through the circumstances that presided over its apparition. Its horoscope was unpropitious; it was born when Yucatan was a prey of the most atrocious civil war; whatever there was produced there, had no echo beyond the Grijalva. The *Quimeras*, therefore, were to die in the bud.

When a master, for he became so in his turn when Dr. Sierra had given up his chair and left the lists, he ventured to practise satire and it would have been better, had he never attempted such a thing; for he showed himself cruel, unpitiful, merciless. His poisoned dart tore the flesh and stuck in the bones. There is an extenuating circumstance, in the fact his satire was an eruption of personal vents. A perverse animal, he defended himself when he was attacked.

Cisneros was a master and he was so by divination of his genius according to modern proceedings: he wanted every intelligence to develop by its own exertion; he sought or rather provoked the spontaneous manifestations of talent and study was for him a matter of mere stimulus rather than of rules and doctrines. His influence on the youths that surrounded him was wholesome and profitable and it cannot be imputed to not hitting his aim if some of us defrauded his expectations.

Peter Ildephonsus Perez, Pylades to his Orestes Cisneros, in not a short period of his life, in the struggles for his ideals against ignorance and protervity, enjoyed a deserved reputation as a most lofty poet. On his lyre with infinite chords every kind of affection found interpretation and his songs always won a crown of applause. His facility for metrification was prodigious; he seemed to think and feel in verse and his thinking was lofty and noble and his feeling good and generous. His verse flowed terse, sonorous and finished, and with the same ease he expatiated in majestic Alexandrine as he sighed in tender Sapphic. Tyrtean in his civic odes, Herrerian in elegy, impetuous in dithyramb, mellifluous in erotic song, gracious and light in humoristic poetry, there is not one of his compositions but reveals the poet in the most genuine and correct meaning of the word. In view of the number, picturesqueness and musicalness of his verses he was considered a happy imitator of Zorrilla's, whose quality of a good reader he also happened to possess in a high degree; but this was only a thoughtless supposition, for Perez displayed a physiognomy, a form, a style entirely of his own.

Raymond Aldana was dominated by his fondness for the study of the classics of the gold age of Spanish poetry which his undeniable talent contrived to turn to advantage. His muse was always soaring loftily; she never crept nor did she stoop to treat puerile subjects. He cultivated the sonnet with singular luck, was solemn and sententious in the ode and admirable for simplicity and sweetness in romance.

Wenceslaus Rivas made a life pact with romanticism. Taciturn, retired, almost shy, his feet served him to maintain his head amid the airs of fantasy. Sweet and melancholic, his verses reveal his psychic state in which an infinite disdain for all worldly things was predominant.

Michael Duque de Estrada-Leclerc was a poet of valiant inspiration and in his elegy: *Before the corpse of Lewis Aznar* there are masterly octaves in some of which he attains sublimity.

Lewis Aznar had no control over the fieriness of his imagination. Endowed with an exuberant fantasy he allowed himself to be hurried away by it and life left him no time, he died rather young, to dominate his fits and to season by study the fine accomplishments nature had favoured him with.

That group of Peninsular lyrics had for their chief organs the literary Reviews *El Museo Yucateco*, *El Registro Yucateco* and *El Pensamiento*, the former two being published under the editorship of Dr. Sierra who was at the same time their most fecund collaborator.

In Jalisco the *Polars* opened a glorious literary era. They were called that nickname from the politico-literary society *La Estrella Polar* founded by the most florid and intelligent youths of Guadalajara.

The editorial staff were affiliated in politics to the advanced liberal or radical party and in literature they obeyed the impulses of the most exaggerate romanticism.

The most culminant figure of those pleiades was Ferdinand Calderon, we do not mean to say as a lyric poet, for on this side he did not win great palms since he did but imitate Espronceda, a rather difficult task for him who had not got from Nature the powerful wings of that great Extremadura poet.

It is in another branch of Belles-Lettres that Calderon occupies the post of honour.

He was no stranger to the beneficial influence exercised in Letters and Arts by master Nájera on whom we have already bestowed a most deserved mention; however it was not in *La Estrella Polar* but in a posterior publication that the merited monk's teachings were to produce their best fruits.

We mean to allude to *La Aurora poética de Jalisco* that claimed for Guadalajara titles of imperishable renown. The Sun of that *Aurora* was the eminent poetess Elisabeth Angelina Prieto de Landázuri whose talents and knowledge were almost phenomenal and whom if we were called to give an epithet we should name the Eleventh Muse in order not to deprive the excellent nun Sor Janè Agnes of the epithet that was awarded her.

Her lyricism imbued in purest idealism has all the enchantment, all the magic of freshness combined with the sonorousness and melody of rhythm. In the composition of this poetess loftiness of idea is always associated with delicacy of feeling, depth of emotion and ingenuity in the mode of expression. Her poetry is that of her noble sex, that is to say, twice poetry.

And not only as a lyric poet there is ground for admiring her, she also excelled in another genus as we shall see hereafter.

Michael Cruz Aedo, highminded up to heroism, sings the most sovereign human ideals and his sword sanctions what his pen writes. A poet and a warrior, Apollo and Pallas wound a double laurel round his ardent temples and he would certainly have yielded more abundant fruit had he been able to subdue for some time his chivalrous and exalted enthusiasm for the realisation of the great promises of Ayutla and the Reform. Therefore his poetry was rather an explosion of his liberal aspirations than a meditated fruit of literary studies.



Wenceslaus Alpuche

At not so short a distance Cruz Aedo was followed by the illustrious vanquisher at San Pedro de Culiacan, Antony Rosales. That lucky son of Mars disdained not the muses and although of his poetic work there remains, or rather we have at hand, no document whatever he left no despicable reputation among the men of letters of his epoch.

Epitatus J. de los Rios was another Jaliscian poet, more remarkable for his fecundity than for the worth of his productions.

Extraordinarily fecund was Aurelius Lewis Gallardo whose stormy life might be the subject for a most interesting novel. Romanticist by his literary creed and by his character and conduct in life all what he composed in verse or prose was a revelation of his intimate life or at least, of conceptions he would have realised had he been able to do so. He would have wished to be, if not an other incarnation of Byron, that of his hero *Don Juan*.

His lyrical compositions fill four nowise slender volumes: *Sueños y Sombras*, *Nubes y Estrellas*, *Legendas y Romances*, the former published at Guadalajara and the latter at San Francisco de California where he also got printed the fourth volume under the title *Legendas íntimas*.

We shut with Gallardo the second cycle of the literary development in Jalisco that left as monuments besides the above mentioned Reviews, *El Ensayo Literario*, that was enriched with productions of poets and literates of the capital where the close night in which the occupation by the victorious North-American army wrapt it up continued reigning for some time.

The grim destiny which befell us, fatal fruit of our own blunders and aberrations in the conflict with the neighbour of the North, could not well leave behind it germs of poetic inspiration. Our defeat on the battle fields engendered the most profound moral abatement in our minds and so bitter a lesson projected like an abashing shade on our souls.

Experience is for nations a fructiferous seed that is slowly developing by itself and by latent growth. Our disasters of 1846 and 1847 awakened the feeling of national life and by reflex movement they combined with other social phenomena called to operate our political transformation.

Four egregious lyric poets, four summits of our Parnassus, emerge in that historical period: William Prieto, Ignatius Ramirez, Ignatius Emmanuel Altamirano and Vincent Riva Palacio, the most potent impellers and regulators of our literary evolution.

Prieto, the king of our lyrics, is so in all the amplexes of the conception: lyric in poetry, lyric in journalism, lyric on the parliamentary tribune, lyric as a *tourist*, as a historiographer and even as a financier and teacher of political economy. Never in any born man imagination surpassed as in him the remaining faculties of mind. Hence his great blunders as a practical man.

Human nature shows such anomalies: nobody is great in one conception or attribute without appearing little in others. And who was the extraordinary man who did not carry with him some shortcoming of unhealable feebleness?

Of this stamp was Prieto which does not hinder him to be an ornament and a glory of our national literature.

We are not going to write his biography; here is not the place nor now the opportunity for such an enterprise. One of the greatest figures of Mexican politics, his life embraces a historical period of half a century during which he revolved like a star, either in full light or sometimes eclipsed, through the spaces of our contemporary history in whose storms he was involved and of whose triumphs he took no little share.

Honest, simple hearted, enemy of ostentations, radically democratic, a frank republican without any restrictions, a revolutionary liberal with exaltations, but with no jacobine cruelties, a fearless patriot, a priest of progress, a dreamer and even a utopist, all this Prieto was in politics. Pure and spotless in the management of public interests, all the Pactolus of disendowment passed through his hands and no grain of gold stuck therein. He lived poor and died not rich.

Integer vitæ scelerisque purus. And as a poet? Ah, what a most lofty, what a sovereign poet he was, Prieto the Divine!

He would have guided Apollo's char with a master hand making it slide triumphantly through the skies of poetry.

Easy in all the genera he cultivated; round, grand, superb in the elevated; simple, graceful, festive in the light, his inspiration vomits flames like a volcano, casts thunderbolts like a tempest, carries off like a hurricane, spits to the sky like the angry sea, when he sings the heroic ode; he groans, sobs, dispairs, howls dolefully in elegy; he sighs, dotes, rants in the idyl; he runs, boils, springs, plays, laughs boisterously in popular songs, for in him all is life and movement, animation and poetic enthusiasm; sun or morning star, summit or valley, ocean, river, brook or cascade, torrent, silent source or thin dew; little herb or florid rosebush, triumphing laurel or solacing olive, musty willow or kingly crested palm. Prieto is all this.

Let him who doubts the exactness of our statements read and tell whether in these lines there is measureless exaggeration. Without hyperbole, Prieto is the Mexican poet by excellence and the present generation and the following and the successive ones will lovingly remember, unable to forget glorious

VOL. I.—PART NINTH

Polite literature

William Prieto

THE FIRST PART

OF THE HISTORY

OF THE



Fidel, a pseudonym he generally used in his incomparable *Musa Callejera* (Street Muse), as long as in this country they will speak Castilian (1).

Ecco Magister! And not a master anyhow, but like one of those great luminaries of human spirit that still orient its march; like Socrates, like Plato and Aristotle.

Ignatius Ramirez is condensation and sum of knowledge in moral sciences and in art: a profound and sagacious thinker he does not remain clinging at his times, he penetrates into the times to come, anticipates not yet discovered knowledge and thus he becomes the precursor of truths that had not yet concluded their stage.

Imbued in the study of Spanish classics his poetry is substantial, of deep intention, of a finished form, delicate and spontaneous, the portrait of a serene, lofty, unshakeable mind capable of showing a firm face to the threats of adversity and a disdainful one to the seductions of fortune. He is a most deep sea reflecting a most high sky; profundity above, profundity below.

His talk was plain and familiar, an inexhaustible vein, an unfailing treasure of information. From his lips, quiver full of darts there shot, between smile and smile, satire, irony and sarcasm used with so much grace and happy hit that they noiselessly killed usurped reputations and false glories. He was feared, but not hated, and if some body had affirmed his epigrams were the brood of a malignant heart, that impassiveness of his bronze countenance would have protested against such a supposition.

He was said, and he allowed himself to be said, an atheist, whereas he would have been capable to sacrifice another cock to Esculapius and even a maid to Pan.

Such a vulgarism is not to be heeded, he loved the beautiful, worshipped the ideals and practised virtue.

Ignatius M. Altamirano exercised so large and so lasting an influence on national literature as nobody else. This is proved by the fact that not only the generation he educated but also the succeeding ones venerate him by the epithet *the Master* and this title is acknowledged by every body.

Altamirano whose name was already well known, almost famous, when the so called Intervention war came on, was he who at the glorious end of the same was destined to preside over the restoration and to push on the movement of the national letters, raising them to their highest summit and culmination.

The nation, the Republic, after a rude and prolonged fighting, came back, victorious and redeemed, to settle in the old capital of the Aztecs and not satisfied with the thousand and thousand laurels it had



Ignatius Rodriguez Galvan

(1) We ignore why William Prieto's family do not procure an edition of the immortal poet's works. If it be for want of resources, there will be no lack of publishers to realise the undertaking and if there were, instead of the Mexican Academy (Prieto, like Piron was no Academician), Government would subvention the publication, a national glory being in stake.

snatched from victory, showed herself anxious to crown her forehead also with those of the sublime Virgin, mother of thought.

Altamirano, conscious of his power, made himself the interpreter and realiser of this aspiration. And, something apparently singular happened; this uncompromising democrat, this exaltado, this revolutionary, whom his political adversaries nicknamed the demagogue, was in literature an organiser, a faithful observant of the canons of learning, a classic, not to say more, in the acceptable sense of the word. Altamirano returned from the camps where his patriotic feelings had led him, with his heart full of generous enthusiasm and his head crowned with thick, lank and rough hair like an Olympus of ideas which announced themselves in the vivid flashing of his looks and were externalised by an easy, abundant, sonorous diction, tempered in all the shades of the gamut, mellifluous in talking, in the chair or when lecturing, raptured and stormy in tribinary oration.

Room was given to Altamirano's impulses by the initiative of Aloys Gonzaga Ortiz for the inauguration of the *Literary soirees*, an actual Athenaeum where, under the modest name of evening parties (*tertulias*), the most distinguished poets and literates now and then met the young men who made essays in belles-lettres, not a few of whom contrived to conquer universal applause.

It may be said those *Veladas* contained in bud the review *El Renacimiento* which appeared in 1869 and where the greatest geniuses of the epoch shone in all their splendour and many most deserved youths received their baptism of glory, not a few of whom paid already their last tribute to mother earth while others still live with the immortal laurel round their heads.

Altamirano's work was continuous and therefore copious and constitutes one of the most precious flowers of our literature. His lyrics are marked by simplicity, naturalness and gallantry of style, by purity of diction, fine atticism of the form and freshness of inspiration; it spread like a shower of flowers of inexhaustible scent in the various publications he took a share in, either as an editor or as a collaborator and a good deal thereof has been collected in his book titled *Rimas*.

Vincent Riva Palacio, *the General*, synecdoche by which he at last was designated in the republic of the Madrid letters, was another of the most fecund geniuses of whom the Mexican country may boast. He was a lawyer like Altamirano and like him considered his profession only as an honorific title. We venture to think they took their title in order not to be condemned to the limbus of the *Bohemians* in an epoch when to be a poet or literate was nearly synonymous of an idler or a useless fellow. The matter was that for the impetus of their fantasy, of their creative potency, it would have been an intolerable torture to remain shut up in the formularism of the Courts or the rigours of forensic dialectics.

A vast mind and endowed with the admirable faculty of adaptation to anything dependent on intellectuality, Riva Palacio applied his talents with a happy hit to subjects of divers nature either in sciences or in letters or in art and always was successful or even applauded in whatever he undertook.

An ardent partisans of the principles of modern civilisation he enlisted under the standards of radical liberalism and knew how to maintain those principles within any lists: in journalism, on the tribune, on the battle field, for as he handled the pen, so he brandished the sword. He was the knight of Liberty having made his watch of the arms in his very cradle. It is known that blood of the Martyr of Cuilapan was flowing through his veins and it is needless to add he was a patriot and as a patriot and as a liberal he never compromised, he always valorously sustained the integrity of his civic convictions. Although fortune smiled on him from all sides it is but just to state he knew how to win her favours.

Riva Palacio's lyrics were not abundant, but in exchange they were delicate, exquisite, delicious. *Páginas en verso* is the title of a small volume of his poems and *Apologos y Cantares* is the name of another not bigger containing what he published under the pseudonym «Rosa Espino» which he contrived to get believed being the name of a real and effective poetess; such was the art with which he succeeded in that production to interpret the feelings of feminine delicacy and tenderness.

Riva Palacio consecrated the greater part of his life to literary work leaving monuments of every kind, as we shall find opportunity to state in the course of these pages.

In Yucatan, with the plan we are pursuing obliges us to turn once more our eyes, after the death of the review *El Pensamiento*, regarding letters a lazy somnolence set in, which a group of enthusiastic youths tried to shake off soliciting the masterly guidance of Joseph Antony Cisneros, Fabian Carrillo and Peter Ildephonsus Perez. Unfortunately enthusiasm by itself is insufficient to realise the prodigies reserved to genius and the enterprise of those boys was almost a miscarriage. Signals of that movement or rather a conation of such were the, let us say literary, reviews *La Guirnalda*, *El Album Yucateco* and *El Repertorio Pintoresco*, in whose pages, save what was composed by the editors and Raymond Aldana, John Antony Esquivel, Eligius Ancona and Peter de Regil y Peon, the remainder shows less literary aptitudes than a noble effort to attain them. While at Mérida such an attempt was made, at Campeachy another phalanx of enthusiasts founded the review *El Campechano* wherein the literary primitiæ came out of some young talents that in the course of time were to be first rate figures in politics.

Two poets revealed themselves in *El Campechano*, Paul J. Araos and Joachim Blengio. The former who out of the anagram of his name made the pseudonym «A. Rosa» with which he signed his lyrical productions, vowed himself to popular songs and to humorism in which he was and will continue being justly celebrated for the ingenuous gracefulness of his inspiration. The latter who aspired to Parnassus when in his full virility cultivated no other form than the sonnet as though the difficulties of this compendious poem challenged his fiery and obstinate temper.



Peter Ildephonsus Perez

His great friend Joachim Baranda printed a select collection of Blengio's sonnets, with a learned and gallant study about this genus of compositions which the distinguished statesman placed at the head of the volume as a sort of preface.

The endeavour of the youths of Mérida and Campeachy found an echo in the capital of Tabasco where a devotee of letters, an humble artisan whom his eager fondness for study raised to the height of a lyrical poet and afterward to not despicable public posts, Leo Alejo Torre, under the editorship of Limbano Correa, a poet and literate of no little pith, founded the review *La Abeja* (The Bee) in which he had as an applauded collaborator Justus F. Santa-Anna, a poet, journalist and distinguished patriot who will live for ever in the heart of his countrymen.

Although Veracruz cannot be considered a distinct focus of culture by the motive that determined us to treat separately of Yucatan and Jalisco, it must be stated literature had there a life and development of its own. In lyrics there excelled by their characteristic push and originality the brothers Marian and Joseph Maria Esteve, whom we owe some most happy essays of regional frankly Mexican poetry, and Emmanuel Diaz Miron of a most lofty inspiration, of a most vigorous and admirably harmonious intonation. In the Alexandrian verse he competed with the Yucatec Peter Ildephonsus Perez and his hendecasyllables are round and finished.

This illustrious poet seems to have eluded the law of perishment, for a continuation of his own

being is commoving and transporting the whole Hispano-American continent by the symphony of his powerful stanzas (1).'

For the same motive we have consecrated Veracruz a separate paragraph we do so regarding another Oriental State whose influence on the general destinies of our country has been a most mighty one. We speak of Oaxaca, which, not satisfied with shedding her blood for the conquest of the ideals of the Republic or with being the cradle of the Mexico of civilisation, Benedict Juarez, and so many an illustrious leader in politics and arms, and quite aware of how much the greatness of the nations is increased and steadied by the cultivation of the letters, never ceased presenting offerings to divine Apollo.

Little news we have about the development and advance of Oaxaca literature in other genera but the lyrical one and regarding this the main fountain of information is due to the distinguished novelist Emilius Rabasa who under the title *La Musa Oaxaqueña* printed these fifteen years ago, a collection of select compositions of the poets of that region preceded by a brief essay on the subject.

The most fecund of those poets were Joseph Maria Inda and Stephen Maqueo. The former seems to have been rather unscrupulous regarding alien orchards; for he went beyond the happy imitation of the Spanish lyrics of the xviii century with which he might and should have been satisfied as sufficient glory, plagiarizing Moratin with an astonishing lack of restraint. The latter, Maqueo, sang with a fortunate inspiration. His lofty soaring and valiant intonation was deservedly applauded and he is worthy to figure in the history of our letters.

Charles Lopez Amelibia is in no way inferior to Maqueo and in his verses tenderness and feeling are dominant. A poet of a mystic tinge is John B. Santaella, fervent adorer of pontifical Rome; Joseph William Carbo, poet and soldier is both things with a different temper: as a soldier he is fiery, raptured, incoercible; as a poet he is quiet, peaceful, inclined to meditation. His loath of life must have been sincere and not a resource of sickly romanticism. Of two poetesses ancient Antequera is boasting: Miss Mary Santaella and Mrs. Luz G. Nunez de Garcia. The former's lyre sounds with similar vibrations as that of poet Santaella so that they seem deeply related. In the poems of the latter love and tenderness sing together. When reading some compositions of hers you will remember Grossi, the author of *La Golondrina* (The Swallow) and Joseph Selgas.

In the collection we have looked over there figure other poets whom Mr. Rabasa mentions as living ones and as we have no notice of their death we abstain from enumerating them, unwilling to risk to break our plan.

While in the Oriental States the interventionist cannon was thundering, the Muse kept silent, and flute and lyre were shifted for the warlike trumpet and the naked sword. In Occident, at Guadalajara at least, poetry continued making herself listened to, in spite of the noise of war.

The illustrious Michoacan Mrs. Ether Tapia de Castellano revealed her singular poetical accomplishments about that time. With most noble feelings and most lofty inspiration she sang to the great and elated: with a manly accent when rousing the love for the native country at the hours when the country wanted the exertion and sacrifice of the Mexicans against the foreign domination, with delicacy and tenderness when interpreting the affections of the heart; with good sense and gallantry on any opportunity.

It was also then that the sympathetic and sensible poet Joachim Gomez Vergara made his appearance; his remarkable genius and dedication to intellectual lucubrations would have greatly enriched our national literature had not an early death snatched him from us.

(1) We purposed to dedicate the Veracruz lyrics a more extensive notice; but in spite of all our endeavours to obtain informations from those who could forward them with entire competence we had the misfortune of being unsuccessful. The disdain with which we have been treated by the enlightened Veracruzans we addressed, proves not a want of interest on their part to see the glories of their heroic State celebrated, but a fear they would not be duly celebrated. We excuse our incapacity saying: *in arduis sat tentare est.*

VOLUME FIRST

BELLES-LETTRES

DISTINGUISHED POETS

Joseph Joachim Pesado. Emmanuel Acuña
Emmanuel M. Flores. Emmanuel Gutierrez Najera

THE UNIVERSITY OF CHICAGO
PRESS



The triumph of the Republic, a consequence of the common accord and fusion of the political interests of the Mexicans who had fought in defense of the same throughout the territory, affirming the national autonomy, produced the unification of the general movement towards the attainment of the aspirations claimed by the new stage gone over from 1862 to 1867. Since this new epoch the forces of the country, formerly dispersed and sometimes opposed, work jointly and in harmony, producing a general resultant of progress. Literature is influenced thereby and the capital begins to be like an Areopagus where all that is of some value in letters and arts gathers and shines, irradiating and spreading from the centre towards the periphery.

We have already stated the role acted in the new impulse literature was receiving, by *Fidel* and *el Nigromante*, Altamirano and Riva Palacio. Their initiative was seconded by the poet full of grace and talent, Joachim Tellez, and by the correct stylist Emmanuel Peredo, grouped together in the *Liceo Hidalgo*, a beehive whence abundant honey of learning flowed and whither they attracted the swarm of young literates aspiring to win a deserved renown.

The literary association we have just mentioned staked perhaps more than any other of the same nature to forward and stimulate letters and arts and will remain in our history as the most significant monument of the national culture, since the notabilities of the whole country found there room and seats.

El Renacimiento won a right to everlasting life, because it fully satisfied the most squeamish claims of its times; and nevertheless, *El Renacimiento* died within a year after its foundation. However, literary effervescence was boiling everywhere and the political press supplied for some time the needs of expansion of the men of letters; besides, the questions of speculative politics themselves then discussed in the daily papers, were treated in a nice form as though all acknowledged the necessity not to sacrifice to the seriousness and prosaism of the subject the beauty and gracefulness of the style.

Gustavus Gostkouski who was come to this country bringing from France with plenty of information about arts and letters the last novelties of French literature constituted himself into a centre of attraction for thoughtful youth whose accomplishments were revealed and popularised in the weekly paper *El Domingo* (Sunday) which came to fill the void of a net literary publication, partly covered till then by *El Siglo XIX*, *El Monitor Republicano* and *El Federalista* recently founded by the intelligent, learned and nice writer Alfred Babirot.

Among the poets of that period there are some who have won a right to survive and two of them who are still alive enjoy the singular privilege of anticipately relishing the nectar of the immortals.

With an ardent, feverish, almost sickly fantasy Emmanuel Maria Flores erected an altar, under the sun of the tropics, to the goddess of Cnidus and Paphus and sang love with so much passion and vehemence that there will be nobody to equal him among us.

Continuing the worship of Ortiz, he altered its liturgy. In Ortiz love was idyllic, in Flores it was frenetic. The kisses Ortiz sings are those of Zephyrus to the Hamadryad, shy between the foliage; those of Flores are a Faun's kisses to the Nymph, lubricious, orgiastics, strepitous. The former idealises the flesh, the latter sensualises the idea. However, Flores' inspiration is stronger, franker and even more original. Judging Flores by his verses one risks to be mistaken save taking him for a poet, and a poet of first rank; and the risk would still exist for him who having read his verses, became acquainted with his shape, without treating him. His large black eyes sparkling with fire, his thick and high-coloured lips, his dark hair denounced a fiery and carnal temperament; nothing thereof existed; his sensualism was of pure imagination and if he was no ascete, he was not a libertine either. Rather retired from than delivered up to the world the motion of his muse might have been nothing more than a mere opposition to the reality of his nature. Such biological phenomena of compensations and equivalences are not scarce. Ah, and how painful it was for us to contemplate the sympathetic bard groping his way, those fulgent eyes of his being dead for light.

Sweet, plain, mild, diaphanous is Joseph Rosas Moreno's lyre, honour and glory of the Guanajuatan land. «The children's poet» is the epithet with which he survives and no other would be more appropriate

and more deserved. In few poets their production reflects their person like in him. To read Rosas Moreno's verses is to know him; his soul is there, his character is there. A quiet flight, without sudden flutterings, without spirals or parabola, nothing of the carnivorous bird, his inspiration keeps at the same level, pursuing a right line, soaring toward the sky with the aspiration of honest souls, never losing sight of the earth where he wants his work to fall like a beneficent seed. He cultivated the moral fable with an eniable cleverness and both by his work and his personality he is a legitimate glory of his country.

To divinise matter; to make of prosaic things poetry, and deep transcendental poetry; to break down with boldness the barriers of conventionalism; to wound, and to wound with a deep and persistent wound religious feeling without rousing protestations, is to reveal one's self a Titan, is to challenge Jupiter to single combat, is to struggle with the Angel and conquer him. Such an extraordinary creature was a youth, Emmanuel Acuña, a star devoured by the intensity of its own fulgor. A meteor of the magnitude of a sun, it became extinguished at the very moment of shining but its brilliancy was so vivid that the impresion is still persisting. The potency of Acuña's poetical inspiration is shown by the fact that we read his verses with the same interest and the same absorption to-day as when they just left print. Science, in its most fleshless and cold aspect, found beauty and life and warmth in the lofty poet's inspiration, who contrived to impress the seal of originality on whatever he produced even regarding love, obligatory theme for all who bring divine Euterpe oblations of roses.

His voluntary death, was it a sudden resolution fatally determined by disillusion in love? was it perhaps a premeditated and serene rupture of the ties binding him to life from which he expected nothing? Mystery! Who would dare to point out the certain cause of that deplorable autopsychological impulse? So much is certain: life was smiling on him, for as a student he had won the esteem of his teachers and as a poet he had the applause of everybody. His life would have been a continuous triumph. The rapidity, the fugacity of his career hindered him not to leave the track of a deep furrow in our literature. With how lofty an inspiration our celebrated artist Jesus Contreras has contrived to interpret the supreme moment of Acuña! What a marvellous symbol of the suicidal poet he shows us in the group so ideally conceived, so masterly executed, in which the marble speaks to denounce the mystery!

Augustin F. Cuenca has a title to be mentioned in this synopsis: he was the precursor of *decadentism* and it is to him that in rigour corresponds the praise or the blame of having introduced that exotic doctrine into our poetry.

With Emmanuel Gutierrez Nájera national lyrics rejuvenises and becomes renewed: a spirit of vast comprehension, of delicate taste, of admirable flexibility, of a soaring nowadays rebellions, but rather easy and accessible to the translation of all harmonies, he alloys pure language with the French style or to avail as of an old figure he makes French breath pass through the Castilian pipe and creates not a new form, much less a new school, but gives poetical diction a new turn in which, although the rules of Spanish construction are observed, the timbre of the newest French poets is to be perceived. Up to this day Gutierrez Nájera has only been applauded, not yet judged.

We must still mention the not renowned poetess Josephine Perez de Garcia Torres who plays on the lyre with a nowadays vulgar inspiration and who is said to possess a treasure of knowledge rare in her sex.

And now we shut this chapter of lyrics consecrating a mournful homage to the memory of two young poets on whom letters founded great and legitimate expectations: Joseph M. Bustillos and Ferdinand Juanes. Death, sinister accomplice of his more cruel and merciless brother «tenebrose oblivion, fantastic and odious tyrant to whom the finest things on earth are submitted» as the philosopher said, spares not even the juvenile foreheads anointed for immortality.

EPIC POETRY

This genus of poetry, the most grand and sovereign, has not found a propitious soil in our national literature. We are aware only of an attempt due to the laboriosity, rather than the inspiration, of the

distinguished literate and grammarian Joseph Maria Rodriguez y Cos. The poem *Andhuac* came forth with very little fortune, so little that we venture to assure it is hardly known beyond the capital.

DRAMATIC POETRY

This is a genus of poetry of whose cultivation if we cannot boast, at least we have no reason to be ashamed. Our dramatic is rich and not by far inferior of merit to anything produced in Castilian language in the countries once dominated by old Spain. Of the two forms comprised under the denomination «dramatic,» comedy has had the best deal among us, not only regarding the quantity of the production but also the quality of the same.

Aristophanic in its beginnings it has been polished at the same pace our culture was advancing. With the exception of some very light pieces, it has not been limited to facetiousness and joke, but has displayed transcendent aims either ridiculing vices, or caricaturing errors or social prejudices. During a long time our comedy followed, with various fortune the patterns coming from Spain in the epoch when the fecundity and vis comica of Emmanuel Breton de los Herreros monopolised laughter and applause on the stage.

With Adelard Lopez de Ayala, Emmanuel Tamayo y Baus, Lewis de Eguilaz and Henry Gaspar the Spanish stage was metamorphosed and the same thing happens here under the influence of the new orientation the theatre receives from the French spirit.

Drama properly so called, the bourgeois tragedy as they call it in France, finds cultivation in our literary republic, but is not predestined to have success. What we possess thereof, when it is not feeble, lacks verisimilitude or treats of subjects that have no life interest for us.

Mexican drama did not arise in the capital, Guadalajara was its cradle: there our first dramatist was Ferdinand Calderon, who still adolescent revealed his brilliant aptitudes for the poetry presided over by Melpomene. *Reinaldo y Elina*, his first essay was received with strepitous applause provoked, beyond all doubt, more by the intention to stimulate the inspired youth than by the wish to reward the merit of the production. With equal success he immediately gave the stage six more dramatic essays, but he was not to receive the crown of eminent dramaturgist, from the hands of the learned, until when he had produced *Ana Bolena* (Anne Boleyn), *El Torneo* (The Tournament), *Hernani ó la vuelta del Cruzado* (Hernani or the Crusader's return), dramas that won for him a popularity without competition and in which the liveliness of the passions animating the action, the warmth and vigour with which they are expressed and the ease of the dialogue make Calderon the founder and head of our dramatic art.

The illustrious Jaliscian's triumphs rouse a chord of Ignatius Rodriguez Galvan's lyre and the vibrations of that chord reveal him to be a privileged dramatist.



Ferdinand Calderon

Muñoz, visitador de México is received with an almost frenetic enthusiasm and is followed by: *El Privado del Virrey* (The viceroy's favourite) in which the merit already won does not decrease being rather refined and exalted.

With Rodriguez Galvan the fondness for dramatic production disappears from the Centre for no short a lapse of time, and then is revived by the favoured talent of Emmanuel Edward Gorostiza having exchanged the poniard for the ivy crown.

This eminent Mexican, son of the heroic town of Veracruz, is to a certain degree a reflex of his mother land. He is ardent and passionate in everything affecting the interests of his country and on this account, is burning like the atmosphere he breathed at his birth and stirring with ire like the sea at whose shore his childhood transpired; as a poet his fiery inspiration feels dominated by the prescriptions of the art and does not run wild but strides with a slow and majestic pace. He was already a celebrity when he returned to his native country. The Spanish stage was proud possessing him and Spain's cultured capital had applauded him without reserve. Thus he entered his country already anointed a prince of letters. And he still won a greater laurel: that of fighting valorously in the battle fields for the honour and integrity of his country after having been able to maintain as a diplomat that honour and that integrity. His fecundity was not that of a Lope de Vega, but what he produced was sterling and since him up to this moment there has not been in our country and in comedy who surpassed or even equalled him.

His comedies, out of fashion, are no longer to be seen on the stage, but it suffices to read them to become aware of their merit for the plainness of their plan, the natural grace of their style, the pulchritude of their language free from offensive ambiguities and the fluidity with which they develop and come to their wind up.

Six original pieces flowed from the pen of the eminent patriot: *Tal para cual*, *Las costumbres de antaño*, *Don Dieguito*, *Indulgencia para todos*, *El amigo íntimo* and *Contigo pan y cebolla* and an adaptation or recasting of the drama *Emilia Galotti*, masterwork of the great Lessing.

While in the Centre and Occident drama was dozing, it manifested itself in Yucatan and not anyhow but animated with lofty reformist and creative tendencies.

After the ephemeral although strepitously applauded production *Diego el Mulato*, drama in which Joseph Antony Cisneros exhausted the aberrations of romanticism; his well equiposed talents having shown him through the study the good path, with a ripe judgment and disciplined by the attentive observation of life in its most intimate manifestations, he undertook the resolution of a great problem for the stage: the suppression of monologues and asides. And he did not limit himself to proclaiming the theory, he exemplified it by his works. In 1861 he gave the stage almost without interruption his dramas: *Mercedes* and *Del vicio al crimen* and in 1862, we think, *La mano de Dios* without any monologue or aside, victorious demonstrations of his thesis. The fact did not pass without being criticised: an enlightened Yucatec, of right judgment and no scanty erudition, indirectly attacked him explaining objections of a psychological purport. Those objections regard the conditions of the medium rather than the essence of the drama.

Cisneros condemned the use of monologue and aside as contrary to truth, because in the dramas of real life there are no asides nor monologues; his critic defends the necessity of these two resources with the convenience of making the spectators acquainted with the psychological state of the persons at a given moment. All things well considered, the matter is about these three conceptions: the genius of the dramatic author, the talent of the interpreting actor and the culture of the medium, i. e. the public. For some cause it is that in these last years eminent Henry Ibsen tried to realise what Cisneros had carried out forty years ago. Besides, Cisneros enriched the Yucatec theatre with the comedies: *El cuarto con dos camas*, *La mvestra del paño*, *A Chan Santa Cruz* and *Matar el gato* and the libretto to the operetta *Por huir del fuego*, in which he sustained his thesis. In all these pieces he showed that his Muse was not loath to marry Momus, always taking care to make mockery serve moral purposes.

Without enlisting under the banner of master Cisneros, Raymond Aldana, excellent lyric as has been

stated in its place, produced in the capital of Yucatan and about the same time some dramatic works which got a favorable reception; they are: *Honor y felicidad*, *Nobleza de corazón*, *Una prenda de venganza* and *La cabeza y el corazón* wherein he gave an indisputable proof of possessing a privileged talent for dramaturgy.

About the same epoch Aurelius Lewis Gallardo vivified the Jaliscian Stage with dramatic productions that were perhaps more applauded than they deserved: *Abrojos del corazón*, *El Pintor de Florencia*, *La Hechicera de Córdoba*, *María Antonieta de Lorena* and *Los Mártires de Tacubaya*, this last being a drama of circumstances allusive of a well known and well anathematised event of our history. These pieces were shaped after the models of the eminent romanticists Antony García Gutierrez and Francis Campredon.

The egregious poetess Elisabeth Angelina Prieto de Landázuri did not exhaust her talent in lyrics: she also had tributes for Thalia and Melpomene. She rejoiced Guadalupe with the ingenuous grace of her comedies and made them weep with the pathetic sentimentalism of her dramas. The capital of Jalisco was regaled with: *Las dos flores*, *Oro y oropel*, *Abnegación*, *Un corazón de mujer*, *La escuela de las cuíadas*, *Los dos son peores*, *En el pecado la penitencia*, *Una noche de carnaval*, *¿Duende o serafín?*, *Espinas de un error*, *El ángel del hogar*, *Un tipo del día*. *Un lirio entre zarzas* delighted the public of this town of Mexico and still, after translating *Marion Delorme*, of Hugo, and *The village*, of Feuillet, she composed, with the collaboration of Henry of Oalavarria y Ferrari the magic piece: *Sonar despierto ó la Maga de Ayodavie*.

In the Centre there are only two literates paying tribute to dramatic poetry: Pantaleon Tovar whose production, save the drama *Una deshonra sublime* which obtained a certain notoriety, passed unheeded, and Francis Gonzalez Bocanegra, with his *Vasco de Gama* whose verses, full of fire, transported the spectators.

The triumph of the Ayutla revolution pulling down the empire of tyranny, could not be indifferent for the cause of literature whose expansions, no longer cohibited, could now manifest themselves with frankness. To be sure, the period of relative peace produced by that triumph was of rather short a duration, but long enough for letters to compensate for the system of oppression they had been submitted to under general Santa Anna's dictature. This transient repose gave literature an opportunity to flourish and fructify in all its genera and quite particularly in the theatre where Vincent Riva Palacio displayed the graces of his inexhaustible talent, associated with his faithful Achates John A. Mateos. Together they gave life to a series of dramas and comedies that were received with the most marked favour, the public not becoming tired of applause by the abundance of the production. Those dramas were: *Odio hereditario*, *El abrazo de Acatepepa*, in which the figure standing out, as may easily be divined, is the egregious patriot Vincent Guerrero, Riva Palacio's grandfather; *La hija del cantero* and *Capa y espada*; and the comedies: *Borrascas de un sobretodo*, *La político-manto*, *Temporal y eterno*, *El incendio del portal* and *El uno por ciento*, all of them being produced in no longer a space than four years.

VOL. I. 159.



Joseph Antony Cisneros

As we already stated when treating of lyrics, the restoring of the Republic had for our literature all the import of a palingenesia. During six years the martial cannon had been thundering in war in which our language itself was in jeopardy of being lost and one might have thought the national letters were going to succumb; however, they would have said about them what Regnier says of poetry: «Ever and anon it seems it is going to die, but it is eternal and never can die; it is sleeping, its sleep being like that of the Sleeping Beauty of the Forest of which she awakes with a more intensive life.»

So it happened with all the branches of our literature that, without excepting dramatic, were cultivated with love, with absolute disinterestedness for the sole attractant of its charms. As this chapter is not to extend to the present state of our letters, we must limit ourselves to mentioning the two most remarkable works that animated our theatre, attributive which exclusively refers to the production of the poets who already suffered the tyranny of the inexorable Fate: *El álgebra del corazón*, drama of Emilius Rey, whose appearance on the stage was greeted with the most enthusiastic demonstrations and *El Pasado*, by Emmanuel Acuña with which the sovereign lyric did not descend from his pedestal but rather widened the horizons of his fame. As everything produced by Acuña showed the stamp of his personality, his character, his philosophical convictions and his artistic manners, his drama roused discussions and opposed judgments whereof a report is to be found in the papers of that epoch and from which he came forth like gold passed through the crucible.

NOVEL

We open the most important section of the present work: important because of the multitude and goodness of what has been produced of this genus in our country; important because therein, better than in any other genus, one may discover and study our characteristic nature, the expression of our nationalism; important, at last, because it is the poem in which the life of a people is conglobed, condensed and intensified in all its tones and shades, in all its ranges and gradations, in all its genera and categories. Being prose by its form, *verba soluta*, it falls under the dominions of poesy, in as much as in no other production like in it the great magician has a vaster field to realise her fictions, to dress the fabula with all the fineries of real and tangible things. Novel is drama without a theatre, that is to say with so ample a theatre as the world is. The reader builds and moves his own stages and animates the characters either in the interior of his study or on a garden bench, or on his seat in a railway car travelling with the swiftness of the wind or in the berth or round-house of the steamer that carries him over the wild billows; at full day light or in dark night; whether the sun shines or it be raining or freezing, and in such a way, under the obsession of the author, collaborates with him in his own manner associating the book with his own faculties. The last expression attained by art, it is a lyre, it is a harp with infinite chords, it is a trumpet, it is a flute of infinite sounds, palette with inexhaustible colours, chisel of innumerable cuts. Every thing is painted, every thing is translated, be it the aspects or situations of the external world or be it the phenomena happening in the abysses of the ego. It is all-penetrating, all-inquiring, all-resolving or all-explaining. In vain the Sphinx will place herself before it, it will tell her her secret and she will drop down dead at its feet.

That we have flourished in the novel, who will dare to deny it? That we have cultivated it in all its forms, who will venture to gainsay? That we possess our own novel, an essentially Mexican novel, what doubt can there be? There they stand upright, solemn and victorious, Fernandez Lizardi, Sierra, Orozco, Cuéllar, Altamirano, Riva Palacio and not a few more.

With very rare exceptions, this genus has been cultivated by all our literates; and this fact may serve us as an excuse for not mentioning all who have written novels in this country or all that have been written. Such is not the task of this study and if it were, the present writer would not fill the conditions required for such a task.

We must needs restrain us to record those who did true novelist work and the very work to which they owe their notoriety (1).

Joseph Joachim Fernandez Lizardi is the founder of the clearly national novel. *El Periquillo* and *La Quijotita*, his two capital productions will live as imperishable monuments of Mexican society such as it had been educated by Spain. The former is of no less a value for us than *Gil Blas* is for Spain; *La Quijotita* is a living specimen of the produce of feminine education of those times, an indigest medley of vanity, false culture and lied religiousness. Both these novels are historico-sociological documents of inestimable price.

After the production of Fernandez Lizardi there came that of Joseph Joachim Pesado, Joseph Gomez de la Cortina and Ignatius Rodriguez Galvan, this one and the first maintaining themselves at the high level they had attained as lyric poets. Rodriguez Galvan was more fecund than Pesado, for he left us four compositions of that genus: *La hija del Oidor*, *Manolito el pisacverde*, *La procesión* and *Tras un mal nos vienen muchos*, the first with a tinge of history and of customs the remaining ones; the second gave us *El amor frustrado* and *El Inquisidor de México*, all according to the then fashionable pattern, net romanticism. Those of Count de la Cortina were of pure imagination: *Leonora* and *Euclea o la griega de Trieste*.

In Yucatan there arose the man who was to raise the novel to the degree of a study of material and psychological observation; it was the founder and master of that literature, Justus Sierra. He was not slack in this genus as it was impossible to be so in any for so deep a thinker; his imagination, like his other mental faculties was at a level with his laboriousity. Besides what he composed of a light character, legends and traditions wherein he revealed his aptitude for the novel, he wrote five of them all being surpassed by *La hija del judío* and *Un año en el hospital de San Lázaro*, actual creations assuring him an eminent post among the novelists of the whole world. In the former he displayed a power of fantasy that Emmanuel Fernandez y Gonzalez might have envied him for his primitive manner; the latter, written in the difficult epistolar style has the foundation, intonation and colouring of the modern novel and by this conception he advanced beyond his times. His novels as also his writings corresponding to the genus, he published under the pseudonym: «José Turrisa» anagram of his name, in the periodicals he founded or edited and which have been mentioned elsewhere. It is a pity for these two principal productions of his, like that of another



Joachim Blengio

(1) Studious and intelligent Lewis Gonzalez Obregon has made us acquainted with all who have made novels in our country, in a laborious survey he published in 1889 under the title: *Breve noticia de los novelistas mexicanos en el siglo XIX*.

distinct author of whom we shall speak here after, to have fallen into oblivion and to run the risk of being entirely lost (1).

In order not to separate us from the chronological order, we must introduce now the fecund novelist, Florence M. del Castillo, whom people have ventured to call «the Mexican Balzac,» a title we consider hyperbolic. Perhaps this attributive refers to the abundance and facility of the author rather than the substance of his work, for in this respect more than one surpassed him. Perhaps a part and the chief one of his exaltation was the fact that he was one of the most sympathetic figures of militant politics wherein he vowed his body and soul to the party he had enlisted in, the liberal red. He postponed everything to the service of his convictions: quiet, fortune and his very life, not being intimidated by the persecutions of his victorious adversaries nor afraid of death which he defied more than once combining juvenile fieriness with a stoical serenity.

His novels, or legends as his biographers call them, are: *La corona de azucenas*, *¡Hasta el cielo!*, *Dolores ocultos*, *El cerebro y el corazón* and *La hermana de los Angeles*. For the delicacy of his style and the ideality of his woman types, master Altamirano, an irrecusable authority, denominated him: «the Raphael of our poetry.»

Covetous death, spying her prey, seemed impatient to snatch him from us before he reached full maturity. Ferdinand Orozco was not yet thirty years old when he disappeared from the world's stage leaving his literary work scarcely outlined. A lyric of potency, this was not the side on which he felt most attracted towards the cultivation of art. His brush needed ampler canvases whereon to transfer his images and conceptions.

His talents had been created for novel and theatre. Of the former genus he left us only one production, but this was so lively, deep, felt and true that we need not ask more to place him at the head of our novelists.

Orozco's star was not a white one and it presided over the work's destinies: *habent sua fata libelli* and *La guerra de treinta años* did not survive the generation that saw it dawn at our literary horizon like a fulgent spring morning. That novel, of the highest psychological interest, threatens to remain submerged in oblivion.

He would have deserved an honorific mention when we were treating of dramatic poetry but for the circumstance that none of his five comedies: *La tienda de modas*, *Tres patriotas*, *Tres aspirantes*, *Amistad* and *El novio y el alojado*, this last one written in collaboration with the eminent literate Emmanuel Maria de Zamacona, were seen on the stage.

Orozco left us other manuscripts which it is to be wished some friend of the letters will make us acquainted with since they cannot be but interesting coming from him who gave them their form.

In those days when Sue was an object for devotion in Spain and here, when *El Judío errante* and *Los Misterios de París* were eagerly read and *Mysteries* were written of every where and every thing, Pantaleon Tovar paid the fashion his tribute printing his novel: *Ironías de la vida* wherein he availed himself to the utmost of the resources of romanticism.

The talent of *the martyr of Tacubaya*, epithet with which the young poet John Diaz Covarrubias is designated, was not alien to romantic composition of which genus he left us: *La clase media*, *El diablo en México* and *Gil Gómez el insurgente*, of customs the first and historical the third which was the most esteemed and applauded because of the ability with which the author's brisk imagination contrived to turn to profit the history of our emancipation war in one of its periods of greater recrudescence.

Emmanuel Payno's *El fístol del diablo* attracted the public's attention by the beauty and humorism of its style. Through the role played by the funest *fístol*, instrument of witchcraft, it is almost a legend.

(1) We are assured the son and homonym of illustrious Justus Sierra is occupied in arranging a new edition of the two novels. If he is, he will do the national letters a great service.

This novel might have been suggested to the author by Paul Feval's: *The devil's son*. The famous financier liked to entertain his leisure hours with this literary genus and wrote some more novels, among their number: *Los bandidos del Rio-Frio*. Their transcendence in our literature has been of no import.

Nicholas Pizarro was a nowadays vulgar philosopher as may be seen in his writings and signally regarding sociological matters in *El Monedero*, a social novel impregnate with a reformist spirit and noble aspirations for the luck of the helpless class of the people. His other novel, *La coqueta*, is something like a paraphrasis of *La Quijotita*.

All of us still remember *el Viejo*, a nickname by which Joseph Maria Ramirez was generally known. Rich was the romance produce of this notable writer who in his days contrived to be the most popular of our novelists. Each of his works is a scrupulous study of a determined *state of mind* or of types there is no lack of in our social medium; hence the interest with which they were received. Passions and sufferings in harmonic or contradictory play constitute the themes of his books and which he contrives to develop cleverly and agreeably. The following are the titles of his novels by the order in which they came before the public: *Avelina*, *Celeste*, *Ellas y nosotros*, *Gabriela*, *Los pícaros*, *La rosa y la calavera*, *Hermínia*, *El anillo y la flor blanca*, *María de las Angustias*, *Una rosa y un harapo* and *Mi frac*.

More fecund than Ramirez, but less fortunate than he, was Joseph Ribera y Rio who reached to get printed even beyond a score of novels, an exorbitant number taking into account that nearly all of them attain a tiresome extent. According to current opinion the merit by which they are distinguished is the veridical picture of some types of our society's. The list of his novels we consulted,

contains the following titles: *Alfredo ó los remordimientos*, *Los misterios de San Cosme*, *Paula*, *La vida del corazón*, *La virgen del Niágara*, *Fatalidad y Providencia*, *Mártires y verdugos*, *Los dramas de Nueva-York*, *El hambre y el oro*, *Esqueletos sociales*, *Memorias de unos naufragos*, *Pobres y ricos de México*, *Recuerdos y desencantos*, *Las tres aventureras* and *La beldad de los sepulcros*.

The novel made its evolution; its physiognomy became outlined in the sense of exhibiting a well marked stamp of nationality and to this important work four (the reader is well aware we do not speak of our living novelists) were those who most efficaciously contributed, since by their genius, their knowledge and peculiar inclinations they were the aptest for the realisation of that literary phenomenon; of course, not all sowing in the same furrow but according to their characteristic propensities: Vincent Riva Palacio, Ignatius M. Altamirano, Joseph T. de Cuéllar and Eligius Ancona, the three first here in the centre and the last in Yucatan.

It was in our history Riva Palacio found the vein of his novel treasure which is abundant and of

VOL. I.—160.



Casimir del Collado

many carats. Truth and fiction are happily associated so that the mere imaginary part proves likely, without in any way falsifying the established or admitted facts, but availing himself of the anecdotal relation in order to render them more interesting. This it seems is the criterion that leads the historical novel and Riva Palacio never deviated from this rule. If you add to this fact the easy gracefulness of his style you will have explained why his production enjoys the favour of the public. Soon after the triumph of the Republic against the foreign invasion and the Empire, he published his first novel under the symbolical title *Calvario y Tabor* and was followed, perhaps not in the order they are enumerated here, *Monja y casada*, *Martin Garatuza*, *Los piratas del Golfo*, *Las dos emparedadas*, *La vuelta de los muertos* and *Don Guillén de Lampart*.

Riva Palacio was a personality gratefully known and highly esteemed at the court of Spain where he brightly mixed with both nobilities, that of talent and the hereditary one. He entered the house of Valverde street as if it were his own and the academicians disputed one another the favour of his friendship. There he printed this *Cuentos del General*, last specimen of his grace as a narrator and of the fertility of his inventiveness.

An eagle soaring far above the summits Ignatius M. Altamirano dominated all the subjects to which he applied his powerful intellectuality; therefore he was and is «the Master.» As in lyrics, so he was in novel of which genus he bequeathed us imperishable specimens. A most sharp psychologist the scalpel of his analysis penetrated very deep and the passions and sentiments which he paints, are true human passions and feelings neither exaggerate nor deficient. He joins with simplicity the most delicate atticism, the most depurated art with naturalness and his phrase is not only heard with fruition, but is relished if we may say so. *Clemencia* and *Beatriz*, his two best known novels, in spite of being twins, have nothing alike, each of them is a tipe, a distinct creation. If Pygmalion in one, he is Phidias in the other; nor are inferior to these two *Julia* and *Antonia*, for the former was his revelation as an inspired novel writer and the latter is an eloquent proof of the full development of his faculties for this kind of production.

A posthumous work of his is *El Zurco* recently edited and provided with a prologue by the refined and most correct Francis Sosa who during the life and after the death of Altamirano was and continues being his sincere admirer. In that prologue Sosa weighs and measures to the point, with the sobriety of style of his own, the value of this last of Altamirano's novels with which like a brooch of gold and enamel he shut his mantle of immortal.

If Yucatan's sun heats the bodies, divine inspiration equally kindles the souls. So we have seen when treating of lyric and dramatic poetry; but in novel nobody had lifted the pen dropped from Justus Sierra's frozen hand, when a modest literate, as modest as full of merit, came to take it up. This successor was Eligius Ancona who did not gansay his antecessor and master. *La Mestiza* is a model study of the class of that society he painted there and in *La cruz y la espada*, *El filibustero* and *Los mártires del Anáhuac* he treated the historical subjects that served him as a beginning to embroider them, with the circumspection proper of a well directed judgment, without sacrificing the rights of fantasy, a necessary worker at the poems of that nature.

Pacundo, Joseph T. de Cuéllar, was facund with his pen, he made it talk, and with so much abundance and gallantry, with so cunning a grace that the pictures of his novels are living and moving, amuse with inoffensive laughter, with venomless malice and teach without emphasis or pedantry. Excepting his good historical novel *El pecado del siglo* wherein he faithfully reproduced the colonial customs of Mexico about the middle of the XVIII century, in his other compositions that constitute the collection *La linterna mágica* a healthy humorism is playing, aiming at ridiculing vices, defects and manias which he had wished to banish from our society, but unable to do so he acquiesced in caricaturing them. Cuéllar is a novelist of customs and manners, and in this respect he is, as it were, a continuer of Fernandez de Lizardi; of course, the times being changed, with a treasure of culture and art which Lizardi lacked. Having chosen a type he modelled it, animated it and moved it with so much grace and truth that his figures proved living and earthly creatures. *Ensalada de pollos*, *Historia de Chucho el Niño*, *Isolina la*

ex figurante, *Las jamonas*, *Las gentes que son así* and *Gabriel el cerrojero ó las hijas de mi papá*, any of them may be considered the best title for a novelist of customs and manners, of domestic and fashionable life.

Young Joachim Gomez Vergara, his soul full of illusions and his bosom full of hopes when his genius already ripe promised abundant and savoury fruit such as his first productions announced, sank into the eternal night mourned by Jalisco, his native land, and by the national letters disinherited through his death of the expected treasure.

Mexican by the colouring and intonation of his style, by the structure and turn of his phrase, and by the condition of the subjects treated by his golden pen he is a literary figure that interests and seduces. His two tales: *Quien mal anda mal acaba* and *La puerta del cielo* opened widely for him the entrance to novel. The only sample he favoured us with, *Las cruces del Santuario*, besides being a fine conception, leaves nothing to be wished for in its nice and exquisite texture. He deserves therefore to figure among our most distinguished novelists.

PROSE

Poetry has not been able to satisfy all the needs of human thought. Its dominion is restrained by its very nature, by the laws that govern prosody, not allowing the idea to be enunciated in all its amplitude, the conception in all its particulars, the intention in all its purport, the subject matter in all its substance. Poetry, in order to interest, seeks before all to please the ear and this is the very last thing prose cares for. We do not mean to say prose is a slovenly mode of expressing ones ideas, but it admits of greater looseness in movement, greater freedom in structure, less carefulness in trimming the phrase. Both are submitted to canons which in poetry regard the external order and in prose the internal arrangement; that is to say, both are art. The art of prose, however, enjoys greater privileges, for if metrical poesy cannot intrude on the jurisdiction of prose without degenerating, prose can, and successfully, invade the field of poetry properly so called. Thus we have poetic prose for descriptive matters, to which it is perfectly adaptable; novel, being a poem, is exclusively written in prose and this form does not only alternate with the metrical one in drama and comedy, but even claims to prevail. Let us go, then, to pass a review as swiftly as this paper requires, over our literary production in prose.

JOURNALISM

POLEMICS, CRITICS, SATIRISTS

Twin-children of liberty and at once her paladins are journalism and oratory. Born of her they live and grow with her, they identify with her, they fight for her even to sacrifice, since she is their necessary life condition. Were liberty dead, it would be useless to look for the palpitations of journalism or the cry of oratory in the printed leaves; the former is her jugular, the latter her voice. However, oratory not becoming literature but after being converted into written words, we must make it the last subject of this chapter.

It will be understood that when we say «journalism» we do not mean but the political one, that consecrated to initiate or discuss the questions of public interest.

Our journalism had its genesis in the first manifestations of our national life. Of this genesis we spoke already and samples thereof were: *El Despertador Americano*, periodical founded by Father Hidalgo at Guadalajara and edited by Francis Severus Maldonado, and *El Ilustrador Americano*, whose soul was Andrew Quintana Roo. We also spoke of *El Pensador Mexicano* of Fernandez Lizardi; *El Sol*, of the Scotch or centralists, and *El Correo de la Federación* of the Yorkists or federalists. These two last men-

tioned were the organs of a passionate polemic between the two contending parties whose main import consists in having marked the proper physiognomy and tendencies of each of those two parties.

Journalism, a necessary manifestation of life for democracies wherever they exist, has for its mission to proclaim and sustain the opinion of the people, of the large popular groups, according to the shades in which that opinion appears divided. Here where there is no people, in the right sense of the political meaning of the word, the press, journalism, acted the part of an educating, teaching organ, directing popular judgment: it was not an instrument of democracy, it was the master and founder of the same. Therefore, our journalism, in its propagand and sustainment of political systems, was the expression of some signalised individualities who armed with the prestige of their talents or their instruction, constituted themselves leaders of the crowds; for this very reason the candidates for government did not

arise from public assemblies, but from the interested devices put into play by oligarchs turning to profit their leadership and frequently being narrow-minded and covetous.

Such was during a long time the character of our political press, until the accession of the triumphant revolution of Ayutla and its complement, Reform, that planted our political system in definite conditions and on the unshakeable base of the principles.

Journalism served as a means of revelation for the superior men and hence it comes that from the editorial staff of the daily papers the statistes (not always such) came forth who undertook at their risk and jeopardy the management of public affairs. Notable journalist and minister of State become synonymous terms since the former was the title that gave accession to the councils of Government.



Friar Emmanuel de San Juan Crisostomo Nájera

This predestination of the journalists was common to both of the parties that disputed one another the direction of the national polity, for by their quality of journalists Joachim Castillo y Lanzas, Father Miranda and Ignatius Aguilar y Marocho won their seats in the ministry on the reactionary side, as well as Marian Otero, Lewis de la Rosa, Francis Zarco and Joseph Maria del Castillo Velasco, of the liberal party, not to cite but culminate names.

The daily papers of more importance, main organs of the political ideas that aspired to predominate in the nation, after those we have already mentioned, were: *El Siglo XIX* and *El Monitor Republicano*, leaders of the liberal press and *La Cruz*, *La Sociedad*, *La Voz de México* and *El Tiempo*, conservative paladins. Of all these only two of the last named survive. There were contending with them many other journals of various political colours and after the definitive triumph of the liberal party there sprang up an infinite number of papers erecting themselves into organs of the fractions into which that party split after the death of the reaction as a militant party and of the ambitions which, as was quite natural, germinated in the heart of the victorious cause.

Mentioning *El Siglo XIX* and *El Monitor Republicano* is involuntarily calling to mind the record of two publishers of a very high signification in the development of our typographic arts and of journalism: Ignatius Cumplido, founder of the former of the said papers and Vincent Garcia Torres, founder of

VOLUME FIRST

POLITE LITERATURE

DISTINGUISHED NOVELISTS

Joseph Joachim Fernandez de Lizardi.

Ignatius M. Altamirano.

Vincent Riva Palacio. Justus Sierra, father.

Joseph T. de Cuéllar.

Ferdinand Orozco y Berra.



the latter. Both of them comprehended the transcendental influence of printing in civilisation and of journalism in democracies and they eagerly endeavoured to forward the advancement of the former and the diffusion of the latter in the Republic.

No other document can be deemed equal to the journals to make us aware of the social and political states through which Mexico has evolved and never did they reach a greater importance than in those periods of the most vehement struggle that presided over our national transformation. Passion and vehemence, almost paroxysmal, to sustain diametrically opposed thesis; the feverish enmity of the conflicting bands will be found there, in the press, portrayed from life. The contentents respected nothing in their eagerness to hurt the adversary; when they did not calumniate, they insulted. There were, however, amid that whirlpool of ire, some persons who kept their temper and serenity.

Francis Zarco was the soul of *El Siglo XIX* of whose editorship he took charge in an epoch when this journal had already won a brilliant post among the press and its columns had been illustrated and enlivened by intelligences of the magnitude of John Baptist Morales, Marian Otero, Lewis de la Rosa and William Prieto; nevertheless, Zarco raised it to a still loftier height, to such an extreme that it was considered the utmost honour for a journalist or a literate to figure among the editorial staff of *El Siglo XIX*. The prestige of this journal survived the illustrious patriot until the epoch when the eminent publicist and literary man Francis Gomez del Palacio who had reckoned among his collaborators the ill-fated Jaliscoan youth Ignatius Silva, abandoned the post of its editor.

The secret why Zarco conquered so great an authority for his paper consisted not only in his indisputable excellencies as a journalist, in the fluidity of his pen, in the profoundness of his judgments, in the neat clearness of his phrase; more than in all that, in the frank sincerity of his convictions, in his loyalty towards his adversaries, in his unrestrained love for the rights of liberty which he wanted to be the same for all, even for his contraries. Therefore he always wished and claimed, being a partisan of free emission of thought, there should be no checks for the press, and he trusted so much in the sufficiency of this his dogma that he admitted of no other corrective for the same than the press itself.

What Zarco was for *El Siglo*, Joseph Maria del Castillo Velasco was for *El Monitor Republicano* of which he made an inexpugnable fortress of the public liberties. This notable publicist gave the precise key-note for the opposition press and his attacks were the only ones the constitutional government cared for, because they came from a hand noways suspicious regarding the cause of the institutions exalted by almost exceptional civic virtues. Among the collaborators of *El Monitor* we may mention Joseph Ribera y Rio and John Paul de los Rios, and him who rendered himself so popular with his humorous *Charles dominicales*.

As a third ally with these two leaders there appears *El Federalista*, founded under the auspices of president Juarez's Government by the clever journalist Alfred Bablot who associated to his work the most select individuals of the literary youth of that epoch. Another journal which would have won great prestige, had it not been vowed to the defence of circumscribed interests, was *La Revista Universal*, edited by Angel Nufiez, a man full of solid knowledge and of a conciliatory mind not apt to make him acceptable to the extreme parties. In the course of time this journal changed its editor and got for collaborators some distinguished talents we now mournfully record: Joseph Negrete who died at the rise of his life, Edward Garay and George Hameken y Mejia.

After these journals of the liberal trend there came another *La Libertad*, which arrived to enjoy a flattering signification, because its editorial staff was composed of a group of young men full of intellectuality, beyond all doubt rather than for any other reason. It was in this paper the first flashes of political positivism glanced. *La Libertad* served as a winding-sheet for a youth, James Sierra, in whom Nature had nicely embodied Psyche's endowments. We liked him a great deal and ask our reader's pardon for placing here a quite personal note: only a tear, but one tear in tenderest memory of him.

The flag of the *status quo* had at its service some journalists worthy of their adversaries. *La Cruz* was the labarum hoisted by the cream of traditionalism to which sign victory was no longer propitious.

Being a radically catholic journal it opened a show place of their profound knowledge and privileged talents for Joseph Joachim Pesado, Bishop Munguía, Joseph Bernard Couto, Aloys Gonzaga Cuevas and several more of lower rank; but all of them were surpassed by the athletic figure of Ignatius Aguilar y Marocho who combined with an actual treasure of knowledge as singular aptitudes as Zarco's for fighting journalism. After the death of his party on the Cerro de las Campanas, Aguilar y Marocho continued sustaining his ideas with the briskness of a champion in *La Voz de México*, a paper which served as a refuge for the tenacious imitators of Lot's wife having survived the frightful catastrophe of Querétaro.

In the journalism it was, like the lists of titans, that the polemics suscitated by the shock of the contending parties were sustained, distinguishing themselves on the liberal side, Francis Zarco, the martyr Melchor Ocampo, Ignatius Ramirez, Joachim Ruiz, Pontianus Arriaga and Joseph Maria Iglesias; and on the traditionalist side the editors of *La Cruz* and the incomparable Aguilar y Marocho who found resources and arguments to defend an irremediably lost cause.

Criticism also found room in journalism to show its judgments. Two literates were those who most excelled in this kind of studies: Ignatius M. Altamirano and Emmanuel Peredo. The former, ample minded, liberal, stimulating rather than correcting by a procedure which, without being doctrinary, did not lose view of the means art has consecrated, not forgetting either the finality of the same. His *Revistas literarias* are precious jewels of well equipoised criterion and exquisite good diction; being free from the monotony and heaviness of didactics, they may be read with delectation and profit. Peredo, overflowing with atticism, in an admirably chaste diction, that was so not because he chasted it, but because correction and grace were genial in his pen, wrote literary critiques of charming attractiveness. His language was like an echo of that of the glorious masters of the golden age of Spanish literature.

Francis Pimentel is the autor of a big volume titled: *Historia crítica de la poesía en México*, a fortunate sample of his plentiful erudition in literature, but not adequate to render his doctrines acceptable, Pimentel failed by his rigorism, by his excessive severity, by an unconditional attachment to rules wherein he found the whole secret of the successfulness of versified poetry. Being sedate, learned, righteous and honest he lacked one sole condition to be a celebrated critic in the matter he treated: he wanted poetic feeling and this incapacitated him to judge the poets whom, before applying the prosodial square, it is necessary to feel. It is no wonder, therefore, that Pimentel criticised with notorious acerbity the poesies of Ignatius Ramirez; nor did he spare Emmanuel Acuña's.

In pure art we have had no lack of excellent critics or of persons who, aspiring to be such, were flying too high encroaching on forbidden ground.

Art critics, and of the first rank, were Anicetus Ortega and Alfred Bablot, the former in music, the latter in the universality of the arts; for endowed with special knowledge and a most clear mind he enjoyed so nice a taste that it was almost refinement. Other no less respectable art critics we had got, as for instance, Dr. Lucius and Joseph Maria Iglesias; however, these never enunciated their judgments to the public; they emitted them with the amenity of true artists in the intimacy of conversation.

Criticism is wont to encroach on satire or to take the acrimony of epigram and even to unite with the study of customs and manners.

As for customists, that is to say persons who busied themselves in painting or describing in animate pictures the customs of determined classes of our society, not only have we not lacked them but we have had some excellent ones who contrived to combine the gracefulness of the picture with the prestige of its exactness.

The most important production we have of this kind is *El Gallo Pilagórico* of John Baptist Morales, published under the anagram of his name «Erasmus Lujan.» In a happy manner he availed himself therein of satire to paint to the naked the frauds and cheats of political intriguers and to draw with a master hand scenes of the social life of his time full of comic humorism.

Joseph T. de Cuéllar (*Pacundo*) left a great fame as a customist or satirist. Conscious of his art, he drew pictures that live and move; the outlines of his figures are caricatured and his style is boiling, be-

sprinkled with pricking salt and pepper. *Facundo's* articles on customs and manners go printed in the papers wherein he collaborated, very principally *El Renacimiento* and *El Album de Navidad*.

Like cypresses among rushes Justus Sierra and Emmanuel Barbachano excel in Yucatan's journalism. Sierra, as we have stated above, founded *El Fénix*, a political and miscellaneous weekly paper wherein the eminent polygraph poured out the treasures of his knowledge and talents and *La Unión Liberal*, a periodical of concord, an appeal to all good Yucatecs for the patriotic work to put an end, by a common effort, to the misventures that afflicted the peninsula and threatened to kill it.

Barbachano was the perpetual editor of the official organ of the Government of Yucatan owing this perpetuity to the singular flexibility of his pen, a stupendous virtue at an epoch when that country was the prey of the most headless factions and the administrations succeeded one another like the figures of a kaleidoscope without any regularity and without another logic than the most disordered anarchy. To sustain one's self in public office during that whirlwind that set everything arolling, argues an incontestable superiority: the fact was that Barbachano, as talented as clever, contrived to please the master of the day without displeasing the master of to-morrow. Amazing was the facility of his pen, the correctness of his style, the possession of the language, qualities he had acquired at Jovellanos Institute whose pupil he had been.

He was also a customist and in this genus we even dare to parallel him with Raymond Mesonero Romanos, for such is the gracefulness and truth of his writings, as may be seen in the collection he got printed under the title of *Artículos de costumbres*. Barbachano had an emulator in this matter in the notable literate Fabian

Carrillo, easy and chaste in diction, who, if he did not keep far behind him, never came up with him.

Political journalism has had in Jalisco a splendid flourish attaining an enviable degree at the epoch when *El País* and *La Civilización* contended with the vigour and ardour which only conviction inspires. *El País*, organ of the advanced liberal party, came out under the editorship of a conspicuous literate and eminent publicist, having for his adversary in *La Civilización*, king at arms of the Jaliscian traditionalists, a not less distinguished journalist, Raphael Arroyo de Anda, aided by another writer of no inferior talent who survives him and is now an ornament of the bar in the capital.

Jalisco may boast of excellent customists; there were and there are still some of great merit; the best of them are not dead and we must limit ourselves to cite the one who during these forty years deliciously wrote his articles and pictures of customs under the pseudonym *Fabio*, whose real personality, by a rare discretion of the time, has not been disclosed, and Joachim Gomez Vergara who in *Fotografías á la sombra*, a book unfortunately in the possession of few people, revealed himself as an exact customist. He was not a photographer, he was a painter who bequeathed his brush to as skilled hands as his own.



Emmanuel Edward de Gorostiza

HISTORIOGRAPHERS, SOCIOLOGISTS, TRAVELLISTS

Is history literature?

There is no doubt it is if by history we understand not the simple relation of the events happened during a determined period of the life of a people or a society, exposed without art, with no other aim than that of transmitting to posterity the record of such events, for that is chronicle; history is literature when he who writes it, possesses himself of the events and studies them «in order to reconstitute, according to M. Gaston de Boissier's picturesque phrase, a collective truth with fragments of truth.» In historiography therefore, three elements of art must be taken into account: subject, mode and finality. It is not enough for a book to contain the narration of events of the greatest moment, in order to claim the name of history; it is necessary that the narration besides being written in a form interesting the reader, aspires toward a determined aim, an aim which, like in every work of art, depends on the peculiar conceptions and tendency of him who executes the work.

The thesis thus formulated, have we any historians? We have, and of the highest excellence, although, up to this date, save some text books to aid teachers, they limited themselves to writing about national history.

The greatest of our historiographers is Lucas Alaman who, in his *Disertaciones históricas* and his *Historia de México* comprised the whole of that of our country from the colonial to the contemporaneous epoch Alaman's style is of an elegant simplicity, sober in diction and abundant in the collection of facts and he would be, beyond all doubt, the most esteemed of our historians but for the exotic, rather Spanish than Mexican, character of his philosophy. As it generally, not to say always, happens with authors who dedicate themselves to works of this kind, Alaman's pen often runs dipped in the ink of his passions, of his personal hates or affections, hates or affections that are the natural product of his political ideals. Apart from this flaw which, may be, is not exclusively his, the eminent statist's works show the sum of wisdom he was endowed with, and the deep knowledge he possessed of our men and our things.

Charles Maria de Bustamante, with feelings opposed to Lucas Alaman's, wrote the history of the emancipation war, with the title *Quadro histórico*. Presential witness of many of the events he relates, he is as a rule truthful. He lacks the cold quiet of the historian, his criterion is often infantly, his style is rather careless, more than plain, familiar, and therefore as also for the vehemence of his frequent raptures, his history would rather deserve the attributive of *Memoirs*.

The *Ensayo histórico sobre las revoluciones de México* of Lawrence Zavala is an irrefragable document of the sincerity characteristic of this personage. One of the most principal actors during no short a period of our national history, from 1821 to 1835, he does not excuse his own faults, but he condemns them, as a severe judge, without any shifts or extenuations.

The work is written with simplicity, clearness and frankness, and shows a great loftiness of mind; it is rather philosophical than narrative and Zavala would have been an admirable historiographer, had he not written about events he had a share in.

Dr. Joseph Maria Mora followed the same track as Zavala in his work: *México y sus revoluciones* which is rather a book of sociology than of history, since it takes this for an opportunity to dissert with amplitude on the causes producing our vernacular disturbances, on our slow national transformation and encumbrances hindering our advancement and to propose practical means to resolve so enormous problems. Mora is a profound thinker, a great Mexican, who places his talent and heart at the service of his country, moved by the holy wish to assure her destinies. The memory of this illustrious patriot, if it does not ought to live in the souls of his fellow-citizens claiming a monument in order to externalise the homage of national gratitude.

With the title *Roseña histórica* Joseph Maria Tornel printed a book which embraces a good deal of the national history, containing documents of high public interest, news of events which by the role he acted in politics, he was in conditions to know better than anybody and revelations explaining facts which

VOLUME FIRST

LITERATURE

REMARKABLE WRITERS

J. Aguilar y Marcho. Andrew Quintana Roo
John Baptist Morales. Emmanuel Peredo

THE LIBRARY OF THE
MUSEUM OF NATURAL HISTORY
AND AGRICULTURE
AT THE UNIVERSITY OF CAMBRIDGE



else would remain incomprehensible. This work, written in a gallant style, has rather the character of *Memoirs* than of history properly so called, in view of what there is personal and intimate therein.

Politico-sociological is the book of the eminent statesman of conservative affiliation Aloys G. Cuevas, imbued in a pessimist criterion. *El porvenir de México* is the acquittal and defence of the narrow-minded system of traditionalism, obstinate in shutting the access to innovations, to the frank and open system of toleration of liberty in politics as in religion. This work is distinguished by its most correct diction, the liveliness of its style and the accent of conviction dominating therein, so that its parallogisms appear at first sight incontestable reasonings. Cuevas was a dialectician of strength and a character.

We were forgetting two most learned men who consecrated important works to national history: Emmanuel Orozco y Berra and Joachim Garcia de Icazbalceta. The former wrote with plentiful learning and most prudent exegesis about Mexican antiquity and the most brilliant colonial period. His works are consulted as classical documents, for Orozco y Berra satisfied all the conditions that ought to concur in a historian; circumstantial science of the events, right judgment and an impartial mind. Icazbalceta, a Spaniard by birth, was bred in Mexico; here he developed his singular capacities, here he contracted the links of affection that tied him to this country which he paid a large tribute of fondness, making his useful, laborious and honest life a model of the best civic virtues. He wrote numerous monographs about the history of Mexico which are being published together with Orozco y Berra's works by the well known literate and journalist Victorian Agüeros.



John Diaz Covarrubias

Of the monumental *México á través de los siglos*, Vincent Riva Palacio, the editor of that important work, wrote the second volume and proved thereby worthy of competing with the most renowned historians for the diligence with which he accumulates data, the unhampered criterion with which he analysed them, the agreeable manner with which he narrates the facts and the impartiality with which he judges the persons. John Arias tried his pen in writing the fourth volume of the same work death came to snatch it from his hand when he had scarcely written the first pages which he left us as a glimmer of a frustrate promise. Luckily there was an intelligent and discreet hand that picked up Arias's pen and possessing itself of his conception continued and concluded the work commenced.

To the enumeration of those who busied themselves in treating of the general history of our country we must add that of the regional historiographers whose merit is not inferior to the former's.

Eligius Ancona wrote *Historia de Yucatán*, a model of correction both in form and substance, necessary to be consulted by those who wish to know, without risking to be deceived, the events of the peninsula from the most remote age up to the contemporaneous.

Bishop Crescentius Carrillo also wrote on Yucatec history, but his works have been much discussed, the author being rather fond of original and strange things.

Serapius Baqueiro, author of *Las revoluciones de Yucatán*, is a patient, diligent and untirable compiler and his books contain a precious accumulation of facts available for the history of that most important portion of the motherland.

Oaxaca has a remarkable historian in the presbyter Joseph Antony Gay. His work is a judicious and well meditated one, starting from the epoch of apostolic preaching undertaken in that region with fervorous christian zeal by Dominican missionaries and ending with the triumph of independence after the war of which Oaxaca was a most bloody theatre. The Oaxacans won their emancipation at the price of their blood and this explains why the love for their country and for liberty is in them an ingenerate quality. Do not hurt these feelings of theirs; they are their *Noli me tangere*; they would rush, like wild beasts no matter with what weapons or against what adversaries to punish the offence.

The brutalities of despotism are wont not to be sterile. To the confinement of William Prieto to the rigours of the Veracruz coast we are indebted for his charming articles: *Viajes de orden supremo*, wherein with a florid prose he painted the beauties of those regions where the sun, in passionate wedlock with the earth injects into her womb his germs of light and heat that she, a generous mother, may transform them into the infinite and grateful offspring of the tropical fruits.

This same Prieto, many years later on, when his head was already snow crowned, his soul disillusioned and his heart undeceived, gave us his *Viaje á los Estados Unidos* that was laid on him by the supreme order of fate, a literary vent of the uncommon adventure into which he rushed in defence of the rights of his dear Dulcinea, the ill-treated Constitution of 1857. The *Viaje* is rather the pleasant tale of a poet than the reflexive annotation of a statist.

A statesman's travel is that of Lawrence de Zavala to the same North-American Union effectuated in 1830. There is not one useless line in the threehundred and eighty two pages of the book. All is there attentively observed and all commented with profundity and lucidity: institutions, their function, policy, advance, material and moral causes that determined it, powerfulness, expansibility and from the study of this whole, the prognosis of the vocation of that people to weigh immensely, not merely in the destinies of America but of the whole world. The prevision has been fulfilled: the North-American Union grows and becomes gigantic, nourished with the breath of freedom; and while, with the wholesome feeling of self-conservation, we take her for a teacher and learn to do like her, the manes of Zavala who aspired to no other ideal lie unavenged on the gemonies of opprobrium, waiting, perhaps in vain, for the hour of vindication.

To Yucatan we are indebted for an excellent book of travels wherein the pleasant alternates with the instructive, it being a product of illustrious Justus Sierra's pen. Its title is: *Impresiones de un viaje á los Estados Unidos y al Canadá* and it represents a sort of continuation, after an interval of fifteen years, of Zavala's book.

ORATORY

A mute republic, a dumb democracy, is inconceivable. The thing of all the people, *res publica*, ought to be examined by all, discussed by every body, if not directly, at least by either its official or independent organs. In this conception oratory is the complement of journalism. While the former is exercised in popular or representative assemblies, the latter spreads to the four quarters the ideas that thundered therein by the voice of her orators.

Democracies being life, movement and action, need, in order not to be fatally agitated whirlpools, directing forces for the orientation of their impulses.

We have already spoken of journalism; now it is oratory's turn.

Being the expression of public conscience, its mission is to constitute itself into an interpreter of the high social interests, soliciting, censuring or deciding as a judge. Where there is a communal interest to make prevail, where there appears a right denied or hurt, where there peeps the necessity of creating

new conditions of national life, where there is a glimmer of a threat or a peril for the decorum, the honour or the integrity of a people, there the outcry of oratory sounds to demonstrate and convince, to absolve or condemn, to suggest or persuade, to irritate and kindle according to the nature of the feeling that is to be roused into action. Only at one occasion oratory becomes dumb: at the funerals of Freedom.

Being a republic and a democracy, oratory has had a field, and it was to be wished it had not been so vast, to practise in and it has done a brilliant, splendid, dazzling practice.

So numerous have been our orators of rank that there is no room for giving an idea of every one of them, not even by means of a narrow likeness.

Of all the literary genera, oratory is the only one we cannot speak of pertinently by simple lecture. When we accept that Demosthenes and Cicero were the greatest orators of antiquity, we rather adhere to received opinion than judge by perusing the addresses and speeches of those two immortals such as printing makes us acquainted with them.

To judge of an orator we have not seen and heard in the Agora, in the Senate, on the Rostrum, in the Convention or in the Assembly, would be equivalent to allowing one born blind to judge of light. Thus, then, citing the names of the orators who in our history enjoy the reputation of such in a more or less prominent degree we keep to what tradition's doom has sanctioned without taking away or adding anything.

Those orators, of course, have flourished at the times when the great public interests were agitated claiming urgent solutions, and not at the quiet and normal ones when meditation and calmness are the masters of time and events.

Our first orators, therefore, began to appear in our first deliberating assemblies having for their precursor Licentiate Truth who under the full dominion of the polity of divine right dares proclaim, with the eloquence of valour, knowledge, talent, conviction and the loftiest aspirations of patriotism, the unheard of doctrine of popular sovereignty.

Independence being conquered, the Congresses meet in order to constitute the nation on the bases of the Iguala Plan first and of Republic the second.

Then there rise on the parliamentary tribune Michael Ramos Arizpe, Emmanuel Gomez Pedraza, Lucas Alaman, the first and the last of opposite principles; Ramos Arizpe invoking the sun of the new day with the retinue of promises to be fulfilled, a passionate federalist who reckons among his lieutenants Prisciliano Sanchez the well deserved organiser of the State of Jalisco, Emmanuel Crescentius Rejon, vehement and aggressive, John Cañedo whose eloquence was impotent to detain his murderers' poniards; Alaman obtaining delays which his ability contrives to turn to profit; Gomez Pedraza, dissembling his ambition and temporising but not compromising with the two extreme parties. Zavala, in his turn, defends himself against the attacks of his adversaries advancing and rises very high, dropping down later on wounded by his own hand when he inflicted the fundamental Chart of the Republic a deep and unhealable lesion.



Ignatius Cumplido

Never the moderate liberal party counted on a sincerer, stouter and more impetuous server than Marianus Otero. Well spoken and elegant in the columns of *El Siglo XIX*, he becomes eloquent on the tribune where his moderation has no power to repress his raptures.

Lewis de la Rosa, affiliated in the same school as Otero, never grows vehement. His temperate character feels abhorrence for everything excessive, he reasons coldly but his speech, gravely meek, is not wanting sparks of fantasy; he, like Otero, was a disinterested patriot.

And what are we to say of Llaca? Llaca is eloquent probity. However high his diapason may be, higher still prove his probity and valour; he had convinced and therefore convinces. He does not vacillate, he does not temporise, he walks straight on toward the aim he pursues: to make his country a free and worthy land, its government the genuine expression of the national will. Unhappily the hour of the great characters did not yet strike.

Joseph Maria Tornel, correct in phrase and port, fluctuating on the boundaries of conflicting opinions, lacks decision; but his sympathetic figure, his easy and well prepared speech, assure for him a benevolent reception on the tribune which if he does not illustrate, he leaves not disregarded.

Our disasters in the war with the United States of North-America, paid with our humiliation and our shame, reveal in the Congress at Querétaro a most potent orator: deputy Joseph Maria Cuevas who escapes the claws of death, has himself led to the assembly, mounts toilsomely on the tribune, and there, interpreter of the strong hearts that set all the goods on earth behind the honour and dignity of their country, bursts forth in a most eloquent speech as never had vibrated on Mexican lips. That quivering voice of his, extinguished, rather an accent of the tomb than of a living spirit, is a lament, is a deprecation, wail, anathema, conjuring, war-cry of a titan who although stretched on the ground surrenders not to fate, capitulates not with the conqueror. And the lost cause of war obtains the suffrage of a minority which if it is really so by the number (1) is a majority by its signification, by the intrinsic value that proves the valour of the bold Mexicans who prefer death to ignominy. And Cuevas' voice was no longer heard; his speech was the funeral oration of the mutilation of the motherland to which so great a soul could not survive.

Of another Cuevas, Aloys Gonzaga, we must still make mention. Partisan of the peace he was one of them who signed it at Guadalupe, ironically surnamed Hidalgo. A conspicuous member of the traditionalist party, as an orator he belonged to the doctrinaire school and left a reputation of a righteous and disinterested man.

Now comes our great poet, William Prieto. After the period during which either as a journalist, or in banishment or on the tribune or even in jail itself he struggled without truce or fear for the public liberties and the great interests of civilisation, retired into his tent like the Greek hero, he listened to the strepit of the debates without partaking thereof; but when his ears were struck by an assertion, a phrase, a conception hurting anyhow the integrity of the liberal creed, then he sprang up, entered into fight at once and it was worth hearing him stammering at the beginning of his speech, skimming the ground like one seeking the forgotten trimmings, to go then raising the diapason until he burst forth into the admirable dithyrambs his inexhaustible lyricism suggested him. And his words assumed all his ascendent impulse when with his eyes shut as if he wished to perceive his ideas with greater perspicuity, having lost the perception of the outer world, he soared higher and higher to seek his inspiration in the divine archetypes.

The Constituent assembly of 1856 called to give a form to the ideals of the revolution, was the rendezvous for the most elevate capacities of the liberal party. Speech, before gagged, found now opportunity to resound frank, powerful and sonorous, in that assembly purposely convoked to lay the foundation and base of the principles of democracy and human right. There Zarco, Ramirez, Isidor Olvera, Poncian Arriaga and many others distinguish themselves; but it is Zarco who by far surpasses all of them, not precisely

(1) Thirty five votes against fifty one.

by intellectual superiority as for which he cannot hinder Ramirez, *el Nigromante*, to come up with him, but by his oratorial accomplishments; there have been very few equal to him and perhaps one or two above his level.

Master of a plentifully furnished arsenal in which there was no lack of any weapon, he knew how to use them at will, from cold reasoning to prosopopeia, satire and irony, distinguishing himself especially in the use of this last resource. There are epigrams of his still living and leaving a mark of ridicule on the persons and things he applied them to. He had a privileged memory as he proved by writing the *Historia del Congreso Constituyente*, without the help of stenographers, a narration that must be truthful both in view of the fact that nobody ever contradicted it and because its passages are cited without reserve by very distinguished members of that assembly.

Ramirez must be placed immediately after Zarco, for although his exterior or physical gifts did not appropriate him for the tribune, his voice though of a pleasant timbre being weak and his action null, his reasoning enunciated without apparatus but in a correct form, the lucidity, diaphanous profoundness and import he made everybody understand, were the cause that it was generally he who pronounced the last word of a debate.

The Constitution of 1857 having been promulgated, the eagle's eyrie to breed orators was built and indeed they sprang up exuberant and potent.

Ignatius M. Altamirano came from the mountains of the South with his young shoulders laden with the world of ideals that had just flashed on the summits of his native country. With abundant words, a sonorous timbre, new ideas, passionate feelings, his eloquence was impetuous, sometimes with the violence of a

tempest, Dantonian, close in justice, dreamer in democracy which he proclaimed as a formula without restriction, amid crowds that applauded him without understanding what he was saying.

Ezekiel Montes, a sage knowing he is so, bad genius of sages; a classic imbued of Tacitus, Livy, Horace and Virgil, favoured by his oratorial appearance, his extensive, voluminous voice of deep bass, solemn in diction, with a *coram-vobis* (mien) worthy of a tragedian, won in his lifetime the fame of a great orator and died with it. There is no doubt he shone and contrived as no one else to insert into the comment of a constitutional text or into the discussion of the events of the day either a sentence of the historians and philosophers or an imprecation or an epiphonema of the great poets of Rome.

Joachim Ruiz, invertedly, presented himself free from all show. Plain clear, concise, but to such a degree urging and decisive in his argumentation that he silenced replies and if he did not convince he defeated.

Joseph Maria Iglesias was no Latin orator; he might rather have been thought bred in Saxon eloquence. With the learning of a Benedictine, the modesty of an athlete, a stoic integrity, tried patriotism



Aloys Gonzaga Ortiz

and exemplary self denial, his talents had the unshakable base of virtue. A faithful companion of Juarez in misfortune, he gathered with Juarez the glory of triumph. Honest and clever in the management of national finances he was not less so in the various negotiations he was intrusted with during and after the war of intervention; however, if to so meritorious qualities he owed the respectability that every body acknowledged in him, it were not these that conquered for him the renown of an orator; it came from the personal conditions nature had bestowed on him. Correct and neat in his diction, quiet in his manner, sure about the subject, logical to utter correctness he marched straight on his adversary, stroke him, beat him down and crushed him vanquished.

A most trimmed, nice, filigrane oratory of an aristocratic barrister was Raphael Martinez de la Torre's whose mellifluous voice of a strong tenor flattered the ear. His opinions came always wrapt up in the authority of the texts he invoked to support them. The mere advertisement that he was going to speak in Congress was a puff for boxes and galleries and there was not room enough for the numerous public that came solicitous to listen to him.

Eyes of a mole and intelligence of an eagle, such was Justus Mendoza. His feeble voice flowed from his lips like the crystalline water of an inexhaustible source and so great was the prestige of his oratory that in order not to lose one syllable of his speech, the deputies crowded round the tribune. His eloquence belonged to the same stock as that of the illustrious deputy Joseph Maria Cuevas with the difference of time and circumstances. In the latter's share fell hours of adversity, defeat and humiliation; in the former's days of splendour and triumph. Being a man of government and sworn to the institutions of the Republic in their most advanced expression, his speech showed the stamp of impeccable practical sense.

Francis Hernandez y Hernandez, cast from his government post by faction intrigues, came to rise on the parliamentary tribune. A lion's mane, large and flashing eyes like burnished steel, a gladiator's chest, a stentorian thundering voice, such were the physical conditions of this orator who made himself noted for the quickness of his conception, the opportunity of his replies and the boldness with which he grasped the most arduous questions, not feeling hampered in these qualities either by the slovenliness and incorrectness of his language or by the scantiness of his learning which he cared not to dissemble.

It would not be just to pass over in silence a group of orators who in the fashion of skirmishing captains fought brilliantly in the jousts of speech.

Joachim Maria Alcalde's oratory was lively, pathetic, impressive. He was all animation and movement; gesture accompanied the word and the word was a subdued cry or accent when the case required such. He gave proofs of a great civil valour in the public defence of the ex-dictator general Santa Anna.

Nicholas Lemus was vehement and aggressive and his arm being always disposed to sustain his conceptions, people shunned having him for an opponent.

John Sanchez Azcona was clever enough always to fight on the side of government. His style was plain but precise and he even knew how to face the ire of opposition.

Less vehement than Lemus, as resolute as he, only less spontaneous, was Robert Esteva who paid letters a good tribute venturing even to try his talent in drama.

Our oratory has had its thundering Jupiter. When he stood upright on the tribune, this became transfigured into Olympus or Sinai. His baryton voice vibrated like a whip or a damasked blade, and his phrases were blinding lightnings or mortiferous darts. His sovereign intelligence knew no limits; an eagle everywhere he soared in the airs to drop down on his prey or to look at the sun face to face without twinkling. A consummate fencer with speech he never parried without returning the blow and his answer was always hitting home, mortal. He nailed his adversary and it was not to bestow a look on his victim, nor to boast of his victory. No oratorical resource was unknown to him and he knew how to make use of all without an effort; cold reasoning, shining paradox, irony or scoff, disdain or gravity, seductive flattery or solemn threat, and even prophetic vaticination. His tongue was a gyros of his brain, a thinking organ so to say rather hyperbolically, in such a manner his reasonings sprang and flowed and rushed from his lips. He exercised himself in both forms of parliamentary oratory, the oppo-

sitionist and the ministerialist, but always at the service of the great national interests. Excellent patriot he accepted with Juarez the wedlock with misfortune that gave him an opportunity to reveal the magnitude of his talents, the integrity of his character, the superior temper of his civic valour: Sebastian Lerdo de Tejada was the name of this extraordinary man whom history impeaches for a double immense error: excessive trust in the value of our public institutions and an excessive faith in the people's judgment.

Here we stop what might be called the narrative part of the literary movement in Mexico giving it for a complement a swift study on the present state of our letters; but before going on we must insert here a declaration of conscience. We should not have been able to trace the present chapter even in the imperfect manner we have done, had we missed two powerful auxiliaries: the *Reseña histórica del teatro en México*, a most useful compilation, fruit of the intelligent laboriousness of Henry de Oalavarria y Ferrari where you may find not only all that has passed through our theatres but all that has been done in letters throughout the country, a circumstance that renders his work necessary in every Mexican library, and Francis Sosa whose abundant production in biographical studies on one side and his well inspired advices on the other have been in this work like a most valuable collaboration.

IV

PRESENT STATE OF MEXICAN LETTERS

Within the plan of our synthesis there is no room for a review of the manifold manifestations and particulars of the present literary movement produced by the men of letters still occupied in actual work.

Such is the wish of the publisher of this book, such is the will of the editor of this division of the same, both being desirous to keep aloof of any chance of injustice towards living persons.

A task of this kind is, indeed, exposed to blunders and a simple omission howsoever unintentional it be, may prove an offence even for those who have in the highest degree deserved a frank encomium free from hypocritical reserves.

On the other hand it would be insensate to deny death possesses the prestige of rendering justice effective for those who already underwent its law; it seems, indeed, death has the wonderful gift to focus the figures of its victims so that they are seen in their proper light and in their actual proportions. If it quenches hatred, it also extinguishes affection and abolishes every suspicion of interested eulogies or censures.

Having said so much in liberation of conscience and justification of the plan, we are now going to carry it into effect.

Never, either before or afterwards, our national life manifested itself more intensely than when the Republic emerged vigorous, radiant and depurated from the ocean of fire wherein it was submerged by the events of 1862.

The Republic, then firmly settled on her seat, had a right to be proud of her victory under the shouts



Alfred Bablot

of acclamations and the aura of friendly compliments lavished on her by her sisters of the Continent. And her pride was stimulated in part by the very curses uttered by the spiteful vanquished, humiliated or mocked foes of the other side of the seas.

From our land calcined by the fire of a thousand combats quelled with the blood of many thousand victims, there sprang generous and vivifying germs destined without doubt to operate our grandest evolution, to give our ideals a body and our aspirations real consistency, for as Macaulay says, «the best and most esteemed works of imagination have always been produced in times of political turbulence, as the most exuberant and fructiferous vines and the finest and most perfumed flowers always come out of the lands fertilised some day by the fiery rain of a volcano.» So certain is this observation that at the end of the struggle we are alluding to, our literature blown up by most potent breaths, displayed itself somewhat disorderly, to be sure, but plentiful and exuberant in all the aspects it is capable of assuming.

The hatred left in our breasts by the preposterous Napoleonic enterprise and although passing, quite real, extended for a moment to everything coming from France and there was something like a beginning of reaction in the sense our very language naturally led us, towards Spanish letters, not hindering people to perceive, however, that in our literary procedures the French moulds did not decay or become disused. To be sure this would have been otherwise had Spain been able to offer us a rich and genuine literary production of her own; but of the good and proper produce of hers there only reached us the prodigious torrents of Castelar's eloquence, Campoamor's delicious poetic knacks and... stop counting, since at that time, our intellectual intercourse with our old mother country was little less than null and besides the crowd of those who there did literary work, were all frenchified and, lacking spirit or misled, did not hit upon the rich vein of their national literature.

That beginning of a reaction was rather transient: Victor Hugo, a new John of Patmos, continued plotting from his Guernsey rocks; Dumas, son, was going on, in theatre and in novel, sounding the deepest problems of social life and both of them engaged our attention and our waking hours, because by troubling the consciences they awoke in our breasts the most vivid interest, the human interest by excellence; and penetrated by their contagious criterion skilfully trimmed with the gallantry of art we had no time left to retire into privacy and reflect free from the influence of those two geniuses.

An event came to reconquer our fondness for France: her tremendous disaster of 1870, the vengeance of Sedan; Napoleon rolling in the mud and the Republic radiant like a glorious sun over so much ruin.

For us, people of sentiment, there is nothing more sympathetic, nothing more irresistibly attractive than misfortune; and on the day we saw France fallen and humbled, we forgot her complacent foible for the idol she wrought with her own hands on some dull day to worship it during two abominable decades, and since that hour we became once more frenchified as much or even more than we were before.

And there is nothing more rational than this our fondness, at least in literary matters. The French language being a sister of our own has never ceased being cultivated in our country with preference over any other foreign tongue, through the immense quantity of literary produce of all kinds it spreads over our country without a serious competition on the part of Spain that had a better right to dispute the primacy. The neighbourhood of the powerful republic of the United States of North-America, so very advanced in the production of books, reviews and journals whose exceptional cheapness places them at the reach of any reader, has had no influence whatever in prejudice of the French production, a phenomenon easy to explain: by an instinctive movement, perhaps a suggestion of a mistaken feeling of self defence we have no sympathy for the Anglo-Saxon language and even amid very learned people there are persons who look at it with a marked aversion. That tongue has only begun to become fashionable in Mexico at the rate the fear for our autonomy engendered by the spectre of the covetousness the Saxons of the American Union are supposed to be possessed of and regarding this country not without reason has been dissipating. Behind the new affections for the English tongue we see only commercial and industrial affairs that every day rise, grow and develop between the two neighbour peoples, without any influence, as yet, on our literary spirit and drift, over which it will perhaps also extend when through

the frequent intercourse and the unification of interests the apprehensions still dominant to-day, will have disappeared. There is another most powerful reason militating on behalf of our attachment to French letters: France does not only send us her national production, but moved by an exemplary diffusive initiative translates into her language the works of the geniuses of all Europe and to her we are indebted, at least four fifths of the Mexicans fond of gay science, for our knowledge of the most notable works of the German, English and Italian literatures and of the totality of what we know about the Russian, Polish and Scandinavian letters. The monopoly exercised by France in this country regarding literary matters is due, more than to anything else, to her singular propagandist spirit that made one of her most illustrious thinkers say that any great idea, in order to enter into human conscience must before take a French shape.

Being necessarily our own language it would have been absurd to attempt to emancipate ourselves from the Castilian tongue whose canons, maintained or altered by those who have a right to do so, never ceased to rule in Mexico. Language, marvellous and indispensable instrument of communication, since without the same thought would not know how to get externalised, clear and genuine, obeys, to be sure, the mode of existence, of every people and therefore is subjected to the evolutions and variations of life in all its complex and changeable manifestations; therefore every region possesses its popular language, with strange turns and idioms, to such a degree that it is a current thing to see the language being the same in substance and form, as spoken in different districts, shows words and phrases discrepant by their acceptance or meaning from one spot to another.

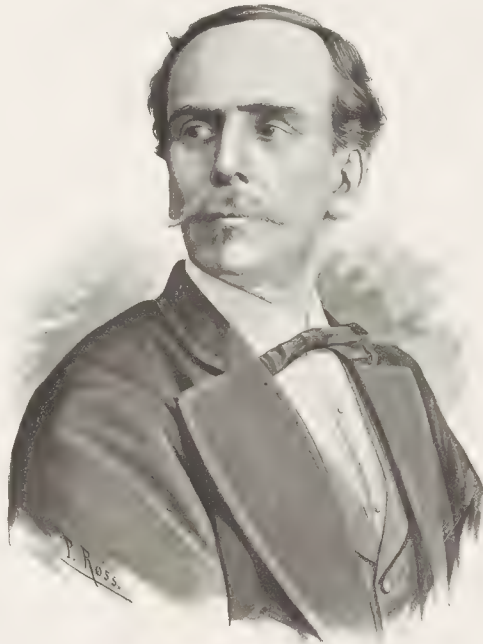
Mexico or, more properly, the various regions of the Republic are not beyond the empire of that common law

and each of them has its Castilian language, altered not only by the use of provincialisms impossible to circulate from one region to another but also by the change of the lexicographical value of some words which even suffer in their very structure. And it is quite natural that it should happen so there where social life possesses a characteristic personality, a peculiar physiognomy and its full activity; for the moulds of speech can be eternal only in the languages that are already dead, atrophied organisms incapable of evolution and transformation.

But amid this popular or vulgar language the cultured one persists reserved for the management of literary subjects, it being rather frequent that the latter is gleaned in the former always rich in actual vitality, in the fashion of a transfusion of new sap which the pure languages needs to satisfy the necessities of renovation inherent to every society in progress.

A long time since there were in Mexico maintainers of the rights of the Castilian language, in permanent correspondence with the learned Corporation whose care it is in Spain to keep the purity and

VOL. I.—164.



Anicetus Ortega

priety of speech; but also during a long time the group of Mexican academicians kept retired from the literary movement constituting a sort of priesthood inaccessible to vulgar people, due in a great part to the general situation of the country preoccupied in resolving arduous problems of the political order that absorbed the whole intellectuality of the men of action.

As we stated at the commencement of this chapter, the glorious restoration of commonwealth marked an epoch in the flourish of our letters signalised by abundance rather than by refinement.

In due place we already spoke of the review *El Renacimiento*, a capital, essentially, literary, publication, wherein some talents of the greatest moment revealed themselves, several of whom are still enjoying the intoxication of popular applause; but its general character was rather that of a romantic hyperaesthesia, for our literature did not yet make to other patterns.

At that time there was a most sympathetic transformation going on in Spanish letters renewing in the peninsula its glorious golden-age. Some eminent talents raised them from the prostration they had dropped in by a production as fecund as full of novelty and breathing all the harms of the genuine Castilian tongue. Benedict Perez Galdós, John Varela, Joseph de Echegaray, Marcellinus Menendez Pelayo, Joseph M. de Pereda, Gaspar Nuñez de Arce, Emily Pardo Bazan, to mention only the initiators of that most noble awakening in novel, drama, lyrics, criticism and any other mode of manifestation human thought makes use of, gave rise to actual literary creations wherein mind could satisfy, as at a succulent feast, its cravings for psychic fruitions.

As it was but natural, that torrential literary rush roused in the former Spanish colonies a most lively interest giving the study of learned culture a new direction while the affection for the language itself acquired new and even ardent stimulations.

Then people were able to understand that language is an instrument peculiarly apt to satisfy by itself all the needs of literary work and they procured with greater care to know the rules of its structure and to penetrate the secrets of its rich syntax.

As for Mexico, the separation that was to be observed between the academic folk and the literary men more in contact with the common people became an easy almost cordial intercourse and, once accessible to one another they rendered highly fruitful the constitution of the Mexican Academy, correspondent of the Royal Spanish one, ingressing in the same all who, by their culture and love for the language are capable of enriching it with new contingents, so that we dare to assure that outside of it there remain only those who disdain it or those whose merits are not acknowledged sufficient (1).

That national institution for the cultivation of the language exercises a wholesome and fecund influence on the furthering of literary production which more and more tends to take a physiognomy of its own, a characteristic stamp distinguishing it clearly from the literary produce of the other American peoples of identical origin.

It would be unjust to disown as an important moment of our literary education the impulse it has received from the scientific competitions, of recent creation; for, although they have been established thoroughly to treat any subject aiming at the development and advancement of the sciences, the dissertations and speeches they give rise to, besides deserving, some of them, the noways hyperbolic attributive of actual monographies, are by their form and style genuinely literary works, since they are meditated and written to be read before a numerous and select public and it is apparent that the author wishing to interest his audience will not throw aside the graces of fine speaking.

However, those influences have not reached beyond the form of diction, for the literary work, that is

(1) At the present moment the Mexican Academy is composed of the following members:

Joseph Maria Vigil, Director of the same, Joseph Maria Roa Bárcena, Raphael Angel de la Peña, Ignatius Mariscal, Arcadius Pagaza, Alfred Chavero, Francis B. del Paso y Troncoso, Lewis Gutierrez Otero, Justus Sierra, Raphael Gomez, Francis Sosa, Francis P. Labastida, Joachim Baranda, Raphael Delgado, Porphyrius Parra and Joseph Peou Contreras, all and every one of them vantageously credited in the world of letters.

to say, its substance, has continued, with very rare exceptions, being imbued by French modes and styles. We have not denied our tribute, on the contrary, we have offered it fervorously to the so called new literary schools, accepting the possibility for such schools of settling amid our disquisitive and analysing civilisation, endowed with a quick individualist feeling, naturally tending towards the emancipation from subjections. We think if such novelties have become popular it is due to the fascination innovations are wont to exercise especially on juvenile minds always ready to applaud all that is surprising.

We shall see in the course of this chapter how our literature has been affected by those newest tendencies carrying them to extremities in some of the genera.

Lyric poetry has yielded a most abundant harvest. We may justly be proud of its plentiful production, even without showing off its qualities, because the phenomenon indicates the rise of the level of our culture at the same time as it evidences its diffusion.

It cannot be denied that as the main factor of the phenomenon we must reckon the four lustra of uninterrupted peace we are enjoying, for peace is like a most fecund spring for the bloom of letters and arts.

A numerous phalanx is militating under the oriflamme of the divine Muse. Without a determined leader, but bestowing, by unanimous consent, the epithet of masters on the few who have reached the deserved fortune of winning an undiscussed authority in literary matters, our young bards cultivate poetry with the faith and enthusiasm that are unequivocal tokens of an innate vocation. Modellers of idea by image, chisellers of phrase by the structure of the verse, generators of emotion by the intense expression of thought, they have the gift of communicating the profane the inner world they have in their soul or of displaying the beauties of the outer world from unheeded points of view.

Let us repeat: we have reason to be proud of our lyrics of the living generation, their merits not being lowered by the fact that not a few of them pursuing an originality that seems far-fetched, have taken flight in a direction that breaks with our poetical traditions and perhaps with the genius of our mother tongue. We want to allude to the endeavour that here, in Mexico, there ought to be parnassians and decadents without any other reason than that in France there are people who versify and make poetry by procedures which, may-be, are not strange there. Thus we do not lack symbolists nor *deliquescents* who speak to us in something like incomprehensible parrottry for us profane people, not being initiated in the arcana of the new art which, after all, entertains no other aspiration than to create a world apart with its mystagogic language whose intelligence it would be useless to look for in the dictionaries in order to disclose the image hid in the vocables. And as though so much complication was not enough, to give the conception greater emphasis, it must be enuniated in verses of sixteen syllables, a puerile artifice, *sesquipedalia verba*, the Master said, consisting in placing in one line two octosyllables.

Fortunately the young bards who steer such courses abound in talent, burn in the sacred fire and love study so that they may be expected to find by themselves the path that is to lead them to the temple of Fame.

Regarding epic poetry we continue being so deficient that we might not be more so. After the rather unfortunate essay we mentioned in the preceding chapter, another attempt was made and furnished with an encomiastic prologue by the still lamented master Ignatius M. Altamirano.

To speak the truth, epopee such as the classics conceived and produced it, may be considered quite dead nor can we conceive a genius strong enough to resuscitate it. The realism of our civilisation, as a necessary offspring of the advancement of science, has relegated the marvellous to the credulity of children or ignorant people and the *deus ex machina* already banished from epopee as from tragedy, has taken refuge in legend and comedy where he only lives as an infantile entertainment or a saving resource to resolve complicate situations.

There is flying among us on the wings of fame a poetical production rather difficult to classify among the genera of poetry spoken of in didactic books. A poem it undoubtedly is; but neither epic because he who would be its eponym never had a real existence, nor heroic because it does not treat of a determined historic fact, nor a mere legend because the marvellous does not intervene in the conception, in the

development or in the wind up of the work. To give it an attributive it might be called a lyrico-narrative poem and perhaps an allegorical one considering the protagonist a representation of a net American social group.

The reader will have divined we are speaking of the *Tabaré* of the egregious Uruguayan John Zorrilla de San Martín, unique pattern of its kind and which being a model resists all imitation, for the extraordinary merit of so fortunate a production rests on its singular originality: original for the opulence of the image, original for the agitated movement that animates it, original for the genuine Americanism of the diction and original, at last, for breaking the canons and traditions that had ruled this genus of poetry.



Eligius Ancona

That the poem is allegorical we may affirm in view of the hero who fills its admirable pages. *Tabaré* personifies the mestizo, the prototyp of the race that, from the Bravo to the Magallanes, has realised in the history of this Continent all that therein is apt to ennoble and dignify human mind.

And not only of epopee, not even of the genus of *Tabaré* have we anything alike; but if we lack epopee, it must be understood in the strict and circumscribed sense of the word; as for the brisk and raptured movement which is one of the characters of epic poetry, we can show it with satisfaction in not a few, in many of the heroic odes with which our poets are wont to celebrate the prodigious deeds that light our fasti like inefficient suns. There are silvas in those odes heated in the sacred fire the songs of divine Pindar are burning with and with which those of the not less divine singer of Junin would not disdain to mix.

Epopee is dead, indeed, versified epopee, if we may make this restriction, for the genus has been transformed; to-day

it lives in novel, that Proteus of literature susceptible of assuming all kinds of appearances, to manifest itself in any style from the trivial and homely to the loftiest and grandest. In novel epic poetry may find the new direction in which to soar more freely although in detriment, we cannot deny, of the enslaving majesty of sonorous and round verse that was its essential attribute.

But this degenerate epopee has not yet come to germinate in the soil of our literature and for a reason we deem obvious.

The subject ought to be chosen in our history and our history dates from yesterday; this constitutes a rather serious, not to say unsurmountable, difficulty for the task of finding a hero for the poem. There is no lack of them, to be sure, they abound for our glory, either in the period of the most bloody emancipation war, begun and sustained by elate and venerable leaders, or at posterior dates; but those personages that have full right to be worshipped like half gods do not adapt to the exigencies of the epic poem. Their lives and deeds being too recent prohibit the creative fantasy of the poet who is not allowed to alter facts and characters that still enjoy a life of actuality. The excessive reality of the hero

leaves no room for fiction that would risk to be deemed mendacious. It would be preposterous to take the hero in the history of the peoples anterior to Spanish conquest; for what would be the ideal dominant of the subject? what the finality of the poem? At the best, to exalt, to try to glorify the brutal force or the intemperances of barbarity.

This is why we cannot yet make the epic novel.

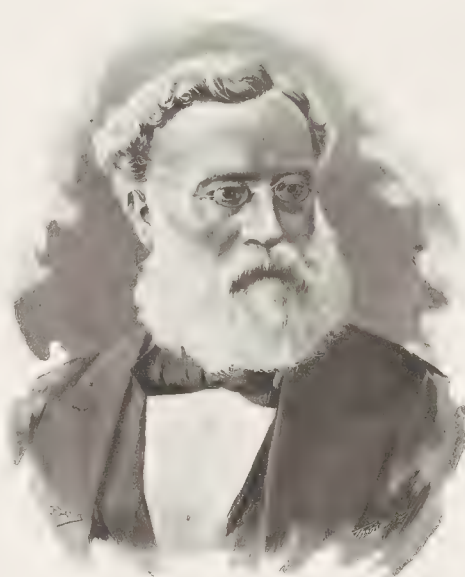
We were going to speak of tragedy; this, however, is another dead body.

As a legacy thereof we have the historic drama, but with it the same thing happens as with epopee. There is no lack of subjects of the highest dramatic interest in our history; but save those corresponding to the colonial epoch some of them already turned to profit with advantage they cannot yet be brought on the stage because being known in their most insignificant particulars they are not in conditions of being dramatised. To enable a real subject, a real personage to penetrate on the stage it is necessary that the mist of time has interposed between them and the spectator, that their lineaments have become somewhat indefinite appearing rather shady, for only so fancy feels enabled to exercise her inventive without fearing to attempt against truth.

Of tragic drama we possess an essay, fruit of the inspiration of one of our most illustrious men of letters who has shone as much as a poet, dramaturgist and prosaist, as by his studies of our archaeology, as a historiographer, as a politician, in journalism and on the parliamentary tribune (1).

Our news about historical dramas are very scanty. The conspiracy of the marquis del Valle and the sublime act of generosity of general Nicholas Bravo which is worth the best prowess of the insurrection, are subjects that have inspired some justly applauded dramatical works. The latter, it is said, has been treated with a master's hand, for it has not yet been seen on the stage, by one of our most illustrious men of letters, so that we cannot doubt of the merit of the composition which will be an eloquent proof of the faculty of certain privileged talents to create literary works worthy of admiration with the same cleverness as they resolve arduous difficulties of diplomacy or questions of high jurisprudence.

The cultivation of this genus of literature in its other more common forms, drama and comedy, that proved so fecund some twenty years ago, has considerably decayed, there being no more than two geniuses who continued paying tribute to divine Melpomene and one of them endowed with a powerful imagination has offered us in this matter an abundant and savoury fruit. It seems rather difficult to find the exact explication of this decay of dramatic literature and we venture to attribute it to the fashion and popularity won at the theatre by the so called *petty* genus; and so likely is our supposition that



Ezekiel Montes

(1) We allude to the tragical essay: *Quetzal-coatl*.
VOL. I. — 165.

several of our poets induced, to be sure, by the noways praiseworthy success obtained by that kind of production, have become libretto makers of comic operettas.

It is in novel where the literary activity has manifested itself more intensely and there, if it is true that some of our literary men have wasted their privileged talent, their high novelist faculties in the endeavour to acclimatise exotic procedures in that form of poesy, it is not less certain that we may proudly boast of possessing not a scanty number of actual novelists, creators of the national romance.

At Mexico as well as at Guadalajara, at Mérida as at Orizaba, as at many other centres of national culture: there appeared, in these twenty years, masterly written novels that would be *acknowledged* by any literature and whose originality marks them with the stamp of genuine Mexican production. All the shades of the genus have been tried, even naturalism and experimentalism, newest procedures proclaimed and practised by them who aspired to create new canons of the beautiful in letters and art. The attempt appears not to have been infructuose, although the system or school rests on bases which, if they are not false, are of pure conventionalism. Obscenity such as it is introduced into their productions by the naturalists, will never enter into the conception of art. In this regard we have reached at the roughest crudity: there was one who, we do not know whether under the title of a naturalist or an *experimentalist*, has made the description, not sparing any particular or sign, of a young maid's defloration.

As for experimental novel, if the conception is not a false one, it is mere conventionalism, we repeat. A poem to be one, requires the working of fancy that creates within the terms of likelihood and even mere possibility, whereas experimentation excludes every intervention of fancy so that «novel» and «experimentation» are antonyms, opposite terms with implicative exclusive opposition. Therefore by «experimental novel» if the word is to be understood, we may understand only that romance production which is based on truth; but in such sense, there is nothing new in that school, it is as old as art, as old as Greek art, as Latin art, as French classicism, this assertion being confirmed by Horace's epistle to the Pisons, by Boileau's poetic art, by all the known treatises on rhetorics. So that experimentalism in art, if it is not a stale truth, is a radically false conception.

So much about poetry.

Let us speak now of the present state of the cultivation of prose.

Many good and many bad things may be said thereof.

The good things are not to be found in journalism which in former times could boast with justice of being a literary manifestation, in the strict signification of the word. It was a job managed by our literary eminences incapable of tolerating a solecism or a geographical blunder not even in the informative part, then called «gacetilla» (paragraphs). They were diarists or politicians of first rank with a reputation of men of letters settled and even celebrated; or also young men whose talents and studies qualified them to initiate themselves in the debate of public affairs. This is not the nature of our present journalism almost exclusively dedicated to information; it is no longer the work of profound thinkers, of literary entities, but it cannot be denied it has become democratised, in the sense that it now reckons with a tenfold circulation and this is not to be explained merely by the cheapness of the papers but moreover by the circumstance that it rouses the curiosity of a greater number of readers. And may this present state of our journalism be considered favorable to the interests of civilisation? If in this way the masses become enlightened, the question cannot be answered negatively.

Notwithstanding, whatever the result may be, Mexico is not the only country where such a phenomenon is happening, since we hear Sienkiewicz saying about journalism that if formerly it was the work of artists, now it is a labour of artisans.

But if the good things are not to be found exactly in journalism, they exist indisputably in the other productions brought forth in mere prose. Good things are to be met with in the treatises of sciences, the works of our sages; in the speeches of our academicians, in the dissertations and thesis of our candidates for scientific professorship, many of which have the value and merit of original monographs, all of them being written with elegant pulchritude, with a chaste diction and plenty of data.

Nor can we speak disdainfully of the literary reviews coming out with regular periodicity. Three are the principal ones circulating in the capital: *El Mundo Ilustrado*, *El Semanario Literario* y *La Revista Moderna*. The two first are Sunday editions of the journalist enterprises *El Mundo* and *El Tiempo*; the former is forwarded by Government munificence, the latter by the catholic interests whose organ the daily paper is it serves as a complement. The last is the work of a group of our young literates of high endowments and is distinguished by the endeavour to give its pages an essentially national character and colour. *La Revista Moderna* is an open field for the Mexican men of letters and the artists who cultivate the decorative arts of typography.

Guadalajara has always maintained very interesting literary reviews, the last of them *El Domingo*, being a bunch of select literary flowers and actually putting a Sunday finery on the cultured capital of Jalisco.

Yucatec letters never ceased to reckon some review specially consecrated to them. The most recent we have a notice of is *El Salón Literario* wherein the peninsular poets, literates and thinkers showed their knowledge and inspiration. It is to be noted that in Yucatan literature has dropped into a state of depression perhaps attributable to the craving for enrichment roused by the material prosperity which in an increasing progression has been developing in that country for some time past. *Auri sacra fames* seems to throw into oblivion the glorious traditions, but we need not be afraid infernal Plutus will succeed in dethroning celestial Minerva in a country where she has received a passionate worship of olden times.

The finery of oratory is spared for patriotic and literary solemnities, a fact easy to be explained and which does not imply intellectual decay or want of virility.

Our oratory has been a political instrument inspired at first by the shock produced between the modern and the traditionalist spirits, comprising the historical period from 1821 to 1867; and then, when reaction was definitively vanquished, by the conflict of aspirations arisen amid the victorious liberal party, between the power as maintainer of order and respect of the law on one side and the vindications of those who showed themselves zealous of the right and genuine function of our institutions on the other side.

These two last tendencies having been fused and not by magic art but by economical virtuality, this political harmony has produced the disappearance of antagonisms, of misunderstandings, of disagreements, since the partial interests are so many forces acting in the same direction.

And this capitulation of the old factions is not even disturbed by the contradictory attitude of what was the traditionalist party, because *de facto* it has submitted to the consummated political evolution. It does no longer struggle for the predominancy of its ideals; it conforms to their being dead and if it



Vincent García Torres

laments them and still shows life, it is only in journalism and rather in the quality of a censor of what the men of politics think and do than as a propagandist of the system formerly sustained.

Our literature exists; there is a Mexican literature, this is the conclusion to which we aspired to arrive by the study we are going to end. Like any entity that manifests itself in time and space it had its germ, its development, its growth and by passing through those states it has operated and continues operating the evolutions inherent to organisms endowed with vitality.

To be sure, it is no easy thing to feel the pulse where a literature may reveal at a moment its nationality. He who wishes to discover it must study all the genera of that literature, this being the only manner to distinguish its physiognomic features, its exclusive individuality.

Observation teaches us civilisation is tending to universality. An immense laboratory where the particular types are founded to be shaped in a general mould, the march of variety towards unity. And in that general type civilisation is creating we may discern the particularities proper of each people only by an attentive study. If through the ineludible action of civilisation the usages and customs of a nation are exchanged for those of another erected into a model because of its superiority or by the mere human fondness for imitating of what is deemed better than the homely condition, what wonder that the literature of a nation being but the reflex of her inner life should become modified, changed and tend to get similar to other literatures? This law has its exceptions, it is true; its fulfilment depends on the degree of resistance that a people opposes to foreign invasions; but that resistance has a limit which when it does not break, may occasion the resistant people's disappearance: what does not adapt itself to the movement of civilisation, is carried off by it. The realisation of the unity of mankind will be the work of civilisation; the races are disappearing and ethnography will soon be reduced to a subject of learning, all about it being a matter of mere geography.

We cannot deny the present paper lacks a definite plan; it is even likely to be deemed rather incoherent; but if thereby we have succeeded in stamping on the reader's mind the general impression that Mexico possesses a literature which is not despicable, not the most backward in the cultured world, our wishes will be satisfied.

FUTURE OF OUR NATIONAL LETTERS

Having explained the evolution of our literature up to the present moment we do not deem it idle to express some brief considerations regarding the future of same.

Spain is no longer in America and there is no example known in history of large empires that once undone had succeeded in reconstructing. What destiny will be reserved then to our literature, daughter of Spain by legitimate descent?

The old mother-country has disappeared as a dominatrix of the world she civilised, but she did not vanish wholly, for we have her noblest part left here, that which is imperishable, the soul of the peoples, language. Indeed, as an individual cannot express his thought but by means of words, by the articulation of his voice formed by various phonetic elements that constitute speech, so a nation cannot manifest her character, tendencies and aspirations but by means of a language known and understood by the whole numerous group constituting the nation. Hence the language or tongue becomes the general

link uniting that group in a common interest, the instrument it avails itself of to express its feelings and its ideas, incarnate therein in such a manner that without the same it would be as though it did not feel or think, as though it wanted a soul.

However adverse the luck of a people may be or unfavourable the conditions of its existence, even if it be subject to foreign domination, while it conserves its own language, it has a right to nourish the hope of establishing its autonomy with all the attributes inherent to the same. And this is so exact that the first endeavour of conquerors is to substitute in the conquered land their own language to that of the indigenes, because they feel that while the conquered conserve their tongue they have not been assimilated, but maintain a solemn protest against the consummate facts, an element of resistance that not even the lapse of time will be sufficient to conquer. The truth of this legitimate apprehension is proved by the historical facts of the national vindications so vividly manifested during the just elapsed century occasioning formidable wars and laying so much and so arduous labour on diplomacy.

We Mexicans, thanks to God, have got our autonomy perfectly assured and not threatened by any jeopardy of a loss; so that our language is exempt from the peril of being substituted by another; but the same cannot be said of its inalterability.

Being the neighbours, at the North, of a great nation that is a colossus in America, of an origin and language different from ours, with whom we find ourselves in intimate contact, it is inevitable that their tongue and literature are infiltrating into ours in a slow, gradual and imperceptible manner. Up to these last years such a phenomenon had not been brought about, because, in spite of the neighbourhood, an instinctive aversion sundered us from their contact, afraid even of the benefits that might come us from their intercourse and like the Trojans regarding the Greeks we even feared their gifts. However, such a temper could not subsist indefinitely: the necessary expansion of a powerful neighbour upon a relatively weak one would at last have broken by violence the wilful and premeditated obstruction that was opposed it. An international war wherein we are not likely to have got the better part would have been the final result.

Among our country men there are some who moved by a noble although mistaken feeling of patriotism deplore we are not maintaining the almost hostile attitude we had assumed since some time towards the Yankee people, not considering that having pulled down with our own hands the Chinese wall of intoleration that partially isolated us from the world, that having adopted for our political regime similar institutions as those of the septentrional neighbour all repulsion has become impossible. On the other hand, on what could such a repulsion be founded? Perchance on the fact that she is a powerful nation, that she derives from an other race, that she speaks a language different from ours? That would be sheer nonsense. No, nobody would venture to invoke such a motive. Neither for being powerful, nor for her



Joseph Maria Iglesias

diversity of origin and tongue she would be antipathetic for us; she would be so only for the reason of the offence, the damage, the humiliation she had inflicted on us.

Egoism, vanity, infatuation will make us always impute to alien faults the evil that solely is the effect of our own follies. And as for the evils we received from the neighbour, if we want to be sincere and upright we shall be obliged to acknowledge they were the work of our own inconsistency having wished to exchange for the old garments of colonial domination we already had thrown away the new ones we showed off at the face of the world not caring whether they were adapted or not to our political condition. Federalism being a mere fiction for the largest part of our territory, was not so for Yucatan or for Texas; not for the former because when it incorporated with the new nation, product of the triumph of the Iguala Plan, it did so by an express pact, by stipulations settling reciprocal rights and obligations between the contracting parties; nor was it so for the latter because, besides having led a semi-independent existence in the viceroy epoch, the majority of its population was of a different origin from that of New Spain, separatist conations had happened there and Stephen Austin's public declaration regarding that State's adhesion to the federalist system constituted a kind of implicit pact about the conditions under which the Texan people affirmed itself in its dependance on the Mexican Union. These peculiar circumstances in which Yucatan and Texas were placed, even supposing federalism was established without legal precedents, produced the effect that for those two entities federalism had nothing fictitious in it, but was to be considered actual and effective.

Thus, Texas's attitude, when the federative pact was broken, was rational and even legitimate and our action to hinder its segregation from Mexico and to subject it to the unitarian system, was a mere act of conquest. Moreover there preexisted an intention ready to dispossess us not only of the Texas territory, but, if opportunity was propitious, of all the eastern and western inner provinces, the never dissimulated covetousness of the Yankee. But that circumstance, far from extenuating our fault, aggravates the same since it ought to have made us more cautious in our inner policy. Were we to make the Yankee responsible for our own carelessness? By what strange precept of international law was incumbent on him the duty to be our tutor? All nations, as all individuals, practise the French classic's morals: we take what is profitable for us wherever we find it.

We are persuaded, or nearly so, that we are linked with our neighbour by ties of sincere friendship, of common interests and conveniences, which remove all fear of future usurpations; but to that fear we substitute this other: *imperialism*, a name with which the outer policy of the same neighbour has been baptised and which we venture to give the same meaning as the word conquest. But it has not this signification, since *imperialism* does not mean the acquisition of alien goods by acts of physical violence: it is a mere phenomenon of expansibility obeying natural laws. All plethora is propending to expansion because all excess of vitality is a cause of death if its impulses are cohobated. Gas too much compressed produces explosions and explosions are averted only by the resource of safety valves. If the plethora of population, capital or industries finds such valves they will dilate without a risk for anybody, on the contrary, with benefit for all and this is just the case we find us in regarding our neighbours of the North. Their men, their capital, their industries find an easy accommodation in this country which implies a distribution of prosperity and welfare between both peoples, a fusion of interests identifying us in the realisation of progress, the supreme ideal pursued by human mind. Conquest, an attempt of our neighbours at dominating us by force, would be a temerarious whim, a foolish and self-contradictory enterprise, because it would bring about the paralysation of their own business through the cessation of the industrial and mercantile movement of both countries guaranteed and maintained only at the shade of peace. On the other hand, such a conquest would mean a war of many years and such a war, for a people in the economical conditions of the neighbour, would be the beginning of its decay, the germ of its destruction and its statesmen are too wary and provident not to prevent such a danger. They know, besides, we are no longer in the circumstances of half a century past, we have awakened from our delirium to reality, with the vivid feeling of our dignity and decorum.

All this leads us to one conclusion: we are brother peoples, not just by common origin but by common interests and aspirations. Out of this brotherhood reciprocal benefits will arise; we shall take from one another what is peculiar of each; we from them that admirable practical sense of theirs that secures the success of their enterprises; they from us this generous Latin spirit that does not shut itself up in the conveniences of egoism but endeavours to make entire mankind sharing the good.

From the constant commerce of ideas and interests that will become more intense every day there will arise moral influences that will be left, before all, in our native language in virtue of its fix nature rendering it resistant to innovations and with the language they will necessarily pass on to our literature. How are we to prevent it from degenerating? There is but one remedy: cultivating it and hindering it from being invaded by strange and corrupting elements.

We do not mean to maintain the spirit of shut doors, system invariably followed by the masters and regulators of the Castilian tongue, now unsustainable in face of the avalanche of invents which creating new things impose the necessity of new words to express them; unsustainable amid that whirlpool of peoples mingling and confounding themselves with one another; it is not so, but increasing its present stock with words that, although strange, being of compulsory use, may be admitted in our language without deteriorating its character, accomodating them to its nature and structure.

We are not unaware that by this road, if Spain persist in her system, the Castilian that will be spoken within a century, in Mexico and perhaps in the remaining Spanish-American countries, will be no longer the language of our mother and tutoress; but it is her fault to deny her tongue the evolutive faculty, to pretend maintaining it in unbreakable moulds, this being like restraining its circulation, first step towards the tomb of the languages that are going to die.

It being our duty to assure the life of our tongue because our national soul is embodied therein, we must provide for this necessity and the State of Veracruz has already taken the initiative in this respect.

A few months ago, with the motive of the inauguration of the College of higher Instruction founded at Jalapa, to the honour and glory of its enlightened governor, they organised in that bewitching town some festivals worthy of the object they were dedicated to, which had for a golden brooch the solemn aperture of an Academy for the cultivation of sciences and letters.

It is to be hoped this example will find imitation in the remainder of the country and if it so happens, the literary corporations that may be instituted under such a form will be so many centres of cultivation and conservation of a proper language apt to realise the enlargement and improvement of our literature, thus showing the world it is not in vain we enter into the ascending movement of civilisation.

M. Sanchez Mármol.



PART EIGHTH

MUNICIPALITY.—PENAL ESTABLISHMENTS. PUBLIC ASSISTANCE

Destitute of any other merit than that of being a disciplined worker, I have neither chosen my part of labour nor when lending my assent to collaborate at this grand work have I measured my strength or consulted my aptitude, for if I had, I should certainly have declined such an honour.

In the following brief lines I have committed to paper with no other character than that of a mere essay the little I know about the evolution of my country's institutions regarding the part I was allotted adding the reflections that study has suggested me in hours robbed from repose after a long and troublesome day's toil.

If every synthesis is by itself an extremely difficult task, it is more so for him who lacks all elements previously gathered by slow and quiet preparation as it happens to pass in the present case.

May these circumstances be deemed extenuating of my boldness, together with the good will and sincere intention to contribute to a work of advancement for my native country.

MUNICIPALITY

I. ITS ORIGINS. COLONIAL EPOCH (1521-1821)

At the epoch of constitution of monarchy in the kingdoms of christian Spain (XI and XII centuries) the kings created the commons or councils of the villages to establish security and order and to refrain the misdemeanours of the great lords who being masters of the riches and the justice became a plague for their countries.

With the aim to reduce the noblemen's power and to cement afterwards Royal authority on solid bases preventing the constitution of an absolute feudalism opposed on the other hand by the urging needs of the reconquest, the Spanish kings deposited civil and penal jurisdiction, as also the economical management of the towns, on the councils formed with the principal inhabitants and especially with the heads of family and in this way they caused to rise in front of the power of the noblemen a new power leaning on the common people and which might have led to the democratic organisation of Spain, had not its evolution been doomed to abort before producing that fruit.

The councils deliberated on all the common affairs of the borough, named the mayors and other ministers of civil and penal justice as well as the officers of economical government and had their military force with the double character of police as we now say, to carry into effect the judicial decisions and to pursue the criminals, and of warriors to get themselves respected by the nobles and even by the king whom they aided in his wars whenever the cases happened agreed upon in the charters and privileges.

Later on, the aim having been attained, nobility being subject to royal power, monarchy being constituted and nearly unified, the towns and cities that had been fortified by political necessity to be allies against the nobles were looked at by the kings as possible enemies in the future and as vassals not sufficiently submissive and docile, but zealous of their rights and privileges, disquiet and eager for combat whom it was necessary to subside in their turn. Hence the struggle that ended on the fields of Villalar where the municipal liberties of Spain fell deadly wounded poelling down with them the franchise and local spirit and the germs of all political freedom, under the reign of the emperor Charles V during which the American continent was inundated by the phalanx of valorous and audacious adventurers who moved by their ambition and even more by their warlike spirit and their covetousness, came to conquer the lands that had just emerged out of the Ocean before the European looks; they proclaimed they wanted to place them under the Pope's sovereignty and the king's authority; but always reckoning on being themselves the representatives of the Royal authority and reserving for themselves the best lands and four fifths of the gold and silver they would win, not sending the king but the remaining fifth. «To the individual effort of those adventurers the conquest of Mexico was due. The direction and the means, the plan and its execution, the intent and the work, all was exclusively Cortés's who acted so in the name of a sovereign who not even knew there existed a vassal doing him so immense services.» (Emmanuel Ortiz de Montellano.)

2. Cortés, leader and type of the conquerors of Mexico, brought with him the ideas then dominant in Spain regarding the municipality and which, although vanquished at Villalar, had not died with John de Padilla or vanished from the minds; he respected the king in whom he saw the supreme authority after the Pope, but he did not conceive a system of government without aldermen or councils. When he undertook the expedition he was lord Mayor of Santiago (Cuba), for in those Islands the municipal institution had already made its appearance and his first act after resolving the conquest, turning into a political and warlike one the enterprise which at its beginning was merely of *ransom*, was to constitute

at the Villa Rica de la Veracruz a town council with the usual mayors and aldermen to whom as the first authority he submitted in order to receive therefrom in his turn, with the name of Chief-Justice and Captain general, authority and powers distinct from those he received from the governor of the Fernandina, trying to legalise, at the face of the spirit of that epoch, his not fulfilling the obligations he had contracted towards Diego Velazquez and his undertaking the conquest he had in mind. Quite so as the sovereign ignored the existence of Cortés, he never surmised there was a council constituting to begin to govern in his name as the first representative of his authority on the American continent.

On the other hand, the enormous distance of the king's residence and the absolute necessity in which Cortés had placed himself of disowning the orders of the governors of the Isles, sole legitimate authority to which recourse might be had, rendered impossible any system wherein command would not root in the conquerors themselves. Even after the Meshica were vanquished and heroic Tenochtitlan was taken, the government of the new colony was a problem full of difficulties that was not definitively resolved until the institution of viceroyship and the Audiencias and until the clever hand of Antony of Mendoza modelled the colonial organisation.

Thus municipal institution arose spontaneously in New Spain, thanks to the deep roots they had in the conquerors' mind, to the irregularity with which the conquest was undertaken, being a personal work of Cortés and his companions, they pleasing their own mind and not acting under the direction of the constituted power that became not aware of it but when it was an almost consummate fact; it ought to accept of whatever its inconveniences might be, since its advantages for the Crown and the mother-country allowed not to disacknowledge it.



John de Padilla

3. In the charters for new discovering and settlements it was sometimes set down the governors should name the councils (justice and administration); but, generally, nothing was settled, all being left to arbitrariousness and proceeding in every case according to the necessities of the moment or the good will of every body.

Thus, in New Spain the municipalities arose without fixed bases for their constitution or functions and it was a good deal later on when by divers schedules wanting unity and plan they began to issue some rules about them, but never contriving to organise them completely and systematically.

It has been observed already by distinguished historians that taking the laws of Indies as sure data to know the conditions of New Spain would doubtlessly be the surest means to incur into error, because the law, issued in the mother-country, lost during its passage of the sea, much of its prestige and effectiveness; and even in the certainly not frequent cases in which it did not meet the famous *let it be kept and not fulfilled*, against the same and above the same there arose personal and political interests, administrative illuses and social entities that constituted an unsurmountable resistance.

Nevertheless, we must make us acquainted with the most fundamental dispositions issued by the Spa-

nish kings; collated with the facts they may give an idea of the state of the municipal institution and of its evolution during the colonial epoch.

In the «Recopilación de Indias» there are to be found only a few laws issued by the emperor Charles V which, supposing the preexistence of the councils, aim at regulating their functions and assuring their liberty of action rendering them independent on the Audiencias, although they were always subject to the absolute power of the king and absorbed therein, whatever may be the contrary views of certain historians. There is no disposition registered regarding the creation of municipalities until the reign of Philip II who in his *Ordenanzas de Poblaciones* (Ordinances of Settlements), a body of legislation unfortunately lost for us but which is supposed to have been completer, preciser and more systematised than the fourth and sixth book of the Recopilation wherein it was refounded, ordered for the first time that «the land, province and spot where a new settlement is to be made having been chosen, the governor in whose district it was to be situate or bounded will declare whether the spot to be peopled is to be a town, a borough or a village and according to what he may declare, the council, commonweal and officers thereof are to be formed, so that if it were to be a metropolitan town, it ought to have a judge with the title of *adelantado*, or lord mayor or *corregidor*, or a common mayor who is to exercise jurisdiction *insolidum* and together with the government he is to have the administration of the commonweal: two or three officers of the Royal finances, twelve aldermen, etc., and if diocesan or suffragan it shall have eight aldermen and the remaining perpetual officers; for the villages and boroughs, an ordinary mayor and four aldermen.» A schedule of Charles V given at the suit of the solicitors sent by the councils of New Spain, and repeated by Philip II (1568) and Philip III (1610) fixed in twelve the number of aldermen for the principal towns and in six for the other towns, villages and boroughs.

4. The loss of the reports of the proceedings of the sessions held by the council of Coyoacan, first residence of the government after the conquest of Tenoshtitlan causes us to ignore who composed the council of the capital at its origin. We only know that the council that took possession of the town of Mexico in March 1524 when they resolved to rebuild it, was composed of the head mayor, two ordinary mayors and eight aldermen; that of 1525 was reduced to two ordinary mayors and four aldermen with a solicitor deprived of vote, but in the course of the year a high constable having vote and two more aldermen were aggregated; in 1526 the number was raised to twelve aldermen and two ordinary mayors; in 1527 the figure of aldermen was reduced to seven and since 1528 Charles V's schedule was enacted the council performing duty with twelve aldermen. The presidency over the council-sessions belonged to the mayors.

5. Although according to schedule of the emperor Charles V (1523) the election of aldermen was incumbent on the citizens, unless the right to name them had been granted to the *adelantados* of new discoveries and settlements, the first aldermen of Mexico were designated by the governors or their lieutenants. The mayors were elected by the councils. Besides the annual aldermen named by the governors there were others perpetual ones whom the king granted this office as a resignable and sellable one, and whose number at the end of a few years exceeded that of the twelve who ought to compose the council of Mexico. Those perpetual aldermen of royal nomination were not well received by the councils and the first of these providences produced objections and reclamations asking the king to render the councils *yearly*, in order that all the citizens might enjoy the honour of being aldermen and if these were to be perpetual they should be given the conquerors and pacifiers, this being a motive for discussions and disturbances at the Mexico council that at last submitted and admitted the royal nominations. The faculty to sell there offices was turned to profit more than once.

Besides the actual aldermen named at first by the governor, then by this and the king and later on by this alone, there were in the colonial municipalities forming part of the same several royal officers who had as an accessory incumbency on their charge that of assisting at the sessions of the council.

For circumstances difficult to explain there was at Mexico, at first, a chief mayor, against the established usage of erecting into *corregimiento* the chief towns leaving as mayorships only the villages of

little importance and scanty resources. For being an anomaly, to be sure, the chief mayor was not late in disappearing and was substituted by the *corregidor* who entered to form a part of the council whose composition was altered moreover by the fact that the royal officers no longer belonged to it.

In the course of time the personnel grew to comprise fifteen perpetual and hereditary aldermen who named every year two mayors and every two years five aldermen and one syndic lawyer. The perpetual aldermen and even the greater part of the honorary as the temporary ones were called, were at last creoles and thus it happened that the municipalities were the only entrance into public office for the sons of this country, the same thing as in the capital being observed in the other towns and so when in 1808 the independence movement was initiated, the municipal corporations, especially that of Mexico, were the centre of that political idea.

6. The functionaries of the municipality had no fixed and determined retribution, but besides some emoluments or fees they received and of which there remain some vague vestiges in the reports of the proceedings of the council and even some salary when they performed certain commissions, their services as councillors were recompensed with honours and prerogatives bestowed on them and moreover by a preference for retributed and lucrative posts.

7. The functions of the common councils always had very uncertain and vague limits and although the Spanish institution had charge of the local government as well as the administration of justice, this was never granted the New Spain councils in a regular manner, the laws of Indies remaining without effect in this particular. As for local management the common councils had charge of the departments and services destined to satisfy the common needs of the citizens as are the opening and keeping of streets, squares and public walks, water-supply, inspection of slaughter-houses and markets and, in general, all regarding urban police such as we understand it now and aggregating still other departments which the system of individual liberty, particularly in matters relating to industry and commerce, has withdrawn from the action of public authority. To this group there belonged the public store, an institution, managed by the council and destined to secure a supply of corn, in Mexico maize and wheat, to be yielded cheap to the poor in times of dearth; the regulation of the chief branches of industry and trades by means of so many ordinances, the taxation of the prices for commodities and protection for slaves in whose defence special regulations were published.

The councils's faculties were also vague and indetermined. The intrusion of the first governors and audiencias on the works and decisions of the Mexico council was preponderant; the sessions were repeatedly held not in the capítular hall but in the private dwellings of the governors or other functionaries; there the documents of the archives remained and all things showed that the councillors had to submit to the will of the superiors and this provoked several schedules aiming at correcting the misuses of form and ritualty as well as of substance regarding the liberty of deliberations and resolutions. Still after the uncertainty consequent on the agitations of the first days of the colony and the first gestation of its system had passed, the bases of government had become fixed and they began to bestow greater attention on the municipality of Mexico and to treat the same with more consideration, there remained, notwithstanding, for the viceroys and audiencias the faculty, now fully legitimate, of revision and inspection in municipal matters, the previous approval being required for certain decisions, such as the expenses of more than insignificant quantities, and the ordinances and regulations of general and permanent character; there were cases in which the approval emanated directly from the king and in this as in all the remainder, vagueness and uncertainty were reigning opening a wide field for arbitrariousness.

8. The funds the municipalities were endowed with, consisted in common ground, excises and imposts (*arbitrios*). The common ground consisted in lands that were inalienable and whose rent or produce were applied to common expenses under the strict inspection of the superior authorities; the imposts created by the king or authorised by the viceroys were of scanty importance and the greater part of the public needs were covered with the produce of the funds proper.

9. The municipalities spread over all the surface of New Spain at the rate the conquest and paci-

fication extended and they covered the whole colony with the exception of the extreme northern and western provinces where no civil government was ever established, being always ruled militarily, because in rigour they were not incorporated with the viceroydom nor the Indians therein became actually submitted, in spite of the heroic exertions of the *missions* to civilise and christianise them. But in the submitted part every town, village or borough founded or peopled by Spaniards was erected into a municipality; at first Veracruz, then Segura de la Frontera (Tepeaca), later on Mexico and afterwards hundreds of boroughs. The Spanish settlements, always distinct from the spots where the Indians were concentrated into communities (in Mexico the *traza* was the means to separate both settlements from one another) were founded to satisfy two needs: that of pacification and steadying of the conquest and that of communication and traffic; the latter was satisfied by raising settlements on adequate spots to serve the traveller for halts and commerce for centres. Such was the origin of what to-day is Puebla de Zaragoza, the second town of the Republic.

Later on, the most urgent necessities of life were joined by those of development of the colony and new centres of population were springing up either agriculturing or mining ones, these being the most numerous and the *Reales de Minas* made their appearance everywhere over the enormous mineral bulk that constitutes the Mexican soil, the nature of the country becoming at once characterised and accentuating itself more and more as the conditions of life dominated by the working of the mineral wealth of the country were growing clearer delineated. The Indian villages bore a distinct or rather opposite character: they were spots of *reduction* where under the clergy's direction in religious matters and under the commendatory's dominion in the material ones, the indigenes were made to live in community distributing their work wholly among the commendam, the church and the common lands of the village.

We have stated how the law disposed the foundation of settlements ought to be made and practice did not differ notably from the preception, but that the raising of gallows and pillory was the solemnity confirming the birth of every new centre.

Every settlement had its legal fund assigned to be shared in lots granted to the peoplers (for the Indian villages 600 yards by radius taking the church for centre) and its spaces for common use besides the lands constituting the common proper.

10. In the xviii century the municipal ordinances of Philip V (1728) and the intendant ordinances of Ferdinand VI (1749) and Charles III (1786) gave the municipal organisation greater precision without altering the fundamental bases whereon they had been constituted; however the last, fixing the intendants precise rules in police matters, deprived the municipalities of many of their faculties in that department as also of the administration of the proper estates and the imposts intrusting therewith a different board formed by a mayor, two aldermen and the syndic and strictly and directly subjected to the intendant who in the capitals had likewise the presidency over the common council.

Nor did the Spanish Constitution of 1812, that without ever being actually in force in the colony influenced opinion and ideas and so was a factor in the onward march, deeply alter municipal organisation, unless regarding the nomination of the mayors, aldermen and syndics establishing the same by popular election. While keeping them under the presidency of the political chiefs and under the dependency on the provincial deputations (country councils) it gave the councils ampler faculties and determined the departments at their charge; but it always left them as subaltern authorities of administrative order and merely local police. In virtue of that Constitution the municipalities were regulated by the decrees of the Cortes of June 13th and August 11th of the year 1813.

11. Supremacy in New Spain belonged as a matter of course to the town of Mexico which under its name of Tenochtitlan had held the hegemony over Anahuac until the conquest and which had been rebuilt because Cortés imposed his will to have the conquest confirmed by raising the christian temples and the palaces of the new governors on the very ruins of the teocallis and the Meshica palaces, against the opinion of his companions who thought, and certainly were not mistaken, that as for salubrity and facility of building it was better to settle at Coyoacan or on the slopes of Tacubaya (Atlacuihuayan) than

on the muddy and unsteady ground of a lake which the generation following ours will be the first to see consolidated and sanitated.

To the political supremacy of Mexico as the seat of government and with jurisdiction over fifteen leagues around, corresponded also that of its council, being considered as the foremost in New Spain, and which to its natural faculties common with the remaining councils added others not limited to the care for the town but extended over all the conquered places in defence of all the peoples of the colony. By a schedule of Emperor Charles (1522) it was authorised to solicit mercies for conquerors and settlers; the Council erecting itself into solicitor general for the colony, as in 1808 it wished to do for political matters, it petitioned and obtained various dispositions, a result of which was the introduction of European plants and animals and some franchises, very relative of course, on behalf of commerce and the liberty of passing and travelling. Later on, it took an active part in enterprises of common interest for the whole country: the draining of the valley of Mexico, the defence of the coasts of the Gulf against pirates and on several occasions it raised its voice against the clergy and the convents pleading for the economical interests oppressed and absorbed by them. The fact was the life of the colony was presided over and directed by the capital's almost to the degree of confounding with it. And as the town cared for the profit and service of all New Spain, so the superior government of the country cared for the town as for a proper and preferent thing common to the whole land; and so it happened ever afterwards as we shall see; hence it comes that many of the most important municipal improvements were initiated and executed by the viceroys and the fate of the town depended to a considerable degree on the ability and endeavour of these and that some of them, like Bucareli and above all the second count of Revilla Gigedo (John Vincent de Güemes Pacheco de Padilla, 1789-1794), distinguished themselves by their zeal, tact, loftiness of mind and energy, deserving the gratitude of the town rather than of the remainder of the colony.

To Revilla Gigedo we are indebted for public lighting, the generalisation of sewers and pavements and side-walks; he improved and almost created safety police, opened new streets doing away with infectious wards and transformed the aspect of the town initiating it in the measures of hygiene and culture.

12. The towns of New Spain never had special rights or privileges. In this country the councils sprang up spontaneously, and wherever a town, a village, a borough was founded, there appeared a common council. But the municipality was hardly anything more than the name of a territorial and administration division; it never was a political entity like in Spain and with that character it existed not in the colonial epoch nor could it possibly be created afterwards. The councils were bodies of mere administration and local police, «with scanty faculties, without an elevated or respectable authority» (Ortiz de Montellano) and without a permanent political function. Only in the epoch of disturbance and general vacillation that preceded the struggle for independence, a reflection of the deep perturbation that agitated the mother-country, the town councils showed something of a political activity and in some provinces government was intrusted them; but then their administrative function got deeply perturbed and the



Michael Maria Azcárate

insecurities of war, the diminution of revenue and the general state of disturbance brought disorganisation into the municipal services. Calm and stormy politics took the place of a cool and serene administration.

How, then, can we be surprised at the lack of municipal and public spirit in the Mexican towns? That spirit like any other social phenomenon, does not arise off hand, without antecedents, from nothing, but it is created and slowly developed by customs and history.

If sometimes, and they were not a few, the council of Mexico showed itself zealous of its prerogatives and sustained and defended them against the colonial authorities and at occasions in front of the king himself, unfortunately it was never on behalf of actual prerogatives, of political rights of the cities and their councils, but for faculties about matters of mere local police or administration or for precedencies of etiquette and mere form. However, the council was animated by a true feeling of patriotism in the crisis of 1808, precursory to the insurrection; it was then the centre of the creole party that was already striving for independence and, inspiring itself in the sentiments and traditions of the old Spanish councils, claimed that the political action of the colony ought to be directed by a parliament or assembly of the attorneys of all the towns. The exertion was useless and the Yermo conspiracy made the Spanish party triumph. From amid the Council there rose then its syndic, licentiate Verdad, mysteriously to succumb in one of the archbishop's dungeons.

The ideas of independence associated with those of municipal liberties and rights. Hidalgo considered municipality one of the natural bases of government and at the same time when this tendency made its appearance in the insurgent policy, the Spanish Constitution of 1812 and the elections effectuated according to the same in New Spain, momentarily elevated from the rank of a colony to that of a province, provoked in the councils unusual and ephemeral movements of political life.

Thus the first period of our history ended. The era of calm and mechanical tranquillity which the colonial system had maintained as a supreme good was going to close opening at the same time the period of agitations and revolts, necessary consequence of the former. The passage from the one to the other was the independence war which more or less actively was prolonged during eleven years and always was a tremendous crisis commoving everything.

13. The councils being many times good, generally middling and almost never bad administrators of the local interests and directors of urban police, born with the first act of conquest and extended over the whole pacified and civilised territory, subsisted during all the colonial period carrying along with them a vague reflex of the prestige and power of the Spanish councils. They never were models of administrative perfection; but if they accomplished their humble mission during the epoch of tranquillity and equilibrium, they were unable to resist the dissolvent influence of the eleven years of disturbance of the independence war.

When the colony got emancipated the situation of the councils was rather sad and they delivered unto the nascent nationality a State corroded by the gravest evils that can affect administrative institutions: disorder and poverty.

What the Mexican nation was going to do with them during its organisation period or rather during the preparation thereto was not difficult to foresee. Let us look.

II. INDEPENDENT MEXICO. ANARCHY AND REFORM (1821-1867)

14. One of the first acts of the Provisional Board emanated from the plan of Iguala and the treaties of Córdoba was to enable and confirm all existing authorities giving them faculty to perform the public functions and in this manner, naturally and without a sudden change the municipalities entered into the independent regime, into the epoch of essays and attempts which the new nation was to pass before finding the bases of her definitive constitution.

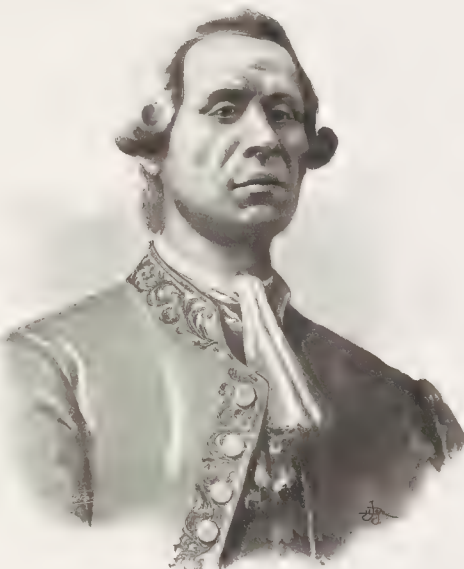
Innovations were not long in commencing. To begin with, the council of Mexico was obliged to take charge of the jails and hospitals, with the management of their goods and revenues and the increase of these departments must have been no small a load and motive of aggravation of the administrative disorganisation and penury of the municipal treasury.

15. The federal Constitution of 1824 came and although it was dumb about town councils, an entity sprang therefrom that, in the course of time, was to influence in a powerful manner the capital's municipal regime: the Federal District, residence of the national powers, forming with the town of Mexico and a circle of two leagues of radius having its centre in the Plaza Mayor, over which the general Congress exercised the same faculties as the legislative body of a State and whose political and economical government stood exclusively under the jurisdiction of the federal powers, without revenues of its own but contained in the Federation's, with representatives in the Chamber of deputies, but not in Senate and whose judicial power, in the higher instances, was implied in the Supreme Federal Court. The governor of the District substituted the former Intendant and so he remained as immediate superior of the councils and this was the beginning, under the new political regime, of their subordination; they continued functioning without an express change of the bases of their organisation.

Under this system, although municipal revenue increased, the financial difficulties of the Mexico council were great, for several times the general government had to grant it extraordinary help either taking charge of the payment of the expenses of some departments (jails and hospitals) or granting direct subventions (1831). General government established schools of primary instruction directly dependent on the same.

16. The new condition of the country characterised by the political effervescence very soon contaminated the councils, in spite of their not having political functions, and in general, the municipal corporations followed the various fate of the parties, being renewed at every change of the general government. In 1833 the Mexico council was dissolved by Santa Anna, for political reasons, that of 1829 being called to substitute it.

17. The centralist Constitution of 1836 (sixth constitutional law) consecrated the councils as constitutional institutions disposing they should be popularly elected and there should be one in every capital of Department, in the villages where they existed in 1808, in the ports whose population reached the figure of 4,000 inhabitants and in the towns of more than 8,000. The number of mayors, aldermen and syndics should be fixed by the Department Boards and the Governors, never exceeding that of 6, 12 and 2 respectively. The departments intrusted to the councils were sanity and commodity police, jails, hospitals and charities unless they were of private foundation, primary schools payed out of the common funds, bridges, roads and ways, collection and investment of rents and imposts. The mayors exercised the func-



Francis Primo de Verdad

tions of judges of peace, sentenced in oral judgments, issued urgent providences in civil matters, practised the first diligences in penal matter and cared for quiet and order being subject therein to the sub-prefects and the higher authorities. The municipal charges kept their character of aldermen and the mayors the right of presiding over the council sessions.

In the regulations for the councils established by the law of March 20th 1837 it was disposed that the renovation of the mayors was to take place every year and that of the aldermen every two years and without pretending to make any substantial modification in the conditions the councils had been in up to then, their character and functions were defined by means of clear and concrete bases, making them dependent on the governors of the Departments through the prefects and subprefects and intrusting them with police in all its branches, although that of order and security was reserved for the mayors as their own function while the other branches were left for the aldermen and councils; they were also secondary administrative agents to heed the merely local needs of the towns and as managers of their funds subjects to superior revisions regarding all their expenses. Thus it may be said the councils kept their double function of police and local management as subalterns and the character of last ramification of authority to carry government action to the spots most remote from the centres where the superior authorities resided.

However, in this opportunity as in many others, as in nearly all, the practical result did not correspond the legislative disposition whose exact fulfilment would have required a firmness, energy and authority lacked by the Mexican governments until a very few years ago and perhaps even to-day not yet so complete and efficacious as the constitution of a strong and effective government requires. History does not conserve the track of the movement initiated for the municipal reorganisation by the centralist government and public administration continued being almost the same as it had been under the federal system. Notwithstanding, a consequence of that movement were the municipal ordinances issued by the Departmental Board and the government of the Department of Mexico, a great deal of which are considered being in force up to this day having regulated the action of the Council of the capital ever since. The ordinances promulgated by several *edicts*, the first dated May 12th 1840 and the last August 19th 1841, constitute a pretty homogeneous and complete code defining with sufficient clearness the municipal functions and determining the procedures of the administrative mechanism, having for their base the principles established by the laws of 1836 and 1837; they somewhat extenuate the dependency on the political authorities, although maintaining it and establishing that no decision of the council should be effectuated before having been communicated to the superiority and this had not disapproved within the three days following that on which it was received.

That was certainly the most important effort made for municipal organisation during the long epoch of incessant political agitation between the proclamation of independence and the definitive constitution of the Republic and had there been some tranquillity, the municipal institution being an humble agent of police and local administration would have spread and rooted throughout the country on the bases then established; but that essay shared, to a good deal, the common lot of all the measures of that epoch, although it was rather more fortunate than most of its companions, in so much as not introducing innovations contrary to established customs, but trying rather to regulate and settle, upon the very bases practised ever before, not the authority or prestige of the law, but the very custom, served to prevent reforms to be introduced and to make councils continue managing their business according to what we call the 1840 Ordinances.

18. But even so, the constant political agitation, the going and coming of governments and with them the incessant shift of constitutions and tendencies brought about the effect that the organisation of the councils became once more unsettled partaking of the general uncertainty and instability. The organic bases of 1843, making the nation shift from one centralism to another, limited themselves to acknowledge the municipality as the last political territorial division and to grant the Departmental assemblies faculties to institute municipal corporations and functionaries, to issue ordinances and to regulate the urban and rural

police; thus they left the councils subsisting and as the Department assemblies, amid the general conflagration the Republic was involved in, had no time nor calmness to undertake administrative organisation work, the rules established in former years about regime and organisation remained in force but for some dispositions of a secondary order that had been issued, at the same time as the general Government continued interfering in the business of the town of Mexico, such as ordering the pavements to be replaced (1842), the demolition of the Parian and the opening of some streets, and to come into resources dictated providences to withdraw from the Council the management of some estates. A culminating fact of that period was the important function of a social order and of patriotism performed by the Mexico Council during the occupation and evacuation of the town by the North-American army (1847-1848), when it assumed authority in default of any Mexican government and thus it took care of public order as well as of the defence of the citizens against the authorities of the invader.

19. The administration of general Herrera who after signing the peace with the United States tried with faith and enthusiasm the reorganisation of the Republic dictated important measures regarding the town councils, the first general law of endowment of the municipal fund (1848) registered in our annals dating from that epoch; its bases did not differ widely from the practice established before nor have they been substantially modified up to this day. The municipal imposts were formed with the following branches: Sale of intoxicating liquids (pulque shops, wine shops, coffee-houses, inns and chop-houses), flour (bakers and breadsellers shops), slaughter-houses, breweries, public entertainments (theatres, ropedancing, cock and bull fights), games (billiards, ninepins and ball) and canals. Such imposts were destined to compensate in the municipal funds the decrease caused by an attempted abolition of the excise, reducing them to less than one half. Half a

century later on when the abolition of the excise system was definitively and irrevocably enacted (1896) it became once more necessary to enter into economical combinations in order indemnify the councils for the loss of resources the change was to cause them diminishing their income.

At the same epoch the municipal mayors were suppressed (1848) there remaining only district mayors to practise the first formalities in penal procedures and the council of Mexico remained composed only of sixteen aldermen and two lawyer syndics.

The political agitation whose very centre was the council when the moderate conservative party possessed itself thereof in 1849, making president its leader Luke Alaman who, at last, by acts of Congress and because of the popular hostility against him was obliged to retire amidst a profound crisis, gave rise to numerous dispositions about municipal elections and to the fact that not having been elected a Council for the year 1850, all municipal business was left to the immediate charge of the District government and the major officer of the council as head of the services; until, on September 18th 1850, the Council of 1848 was called anew and election having taken place for 1851, the regular course of the municipal administration became reestablished.

20. The councils of the Federal Territories (Lower California and Tlaxcala) having been regulated and the foreign one of the Federal District been endowed with funds, it seemed the municipal organisation began to be settled on sound bases. But the general disorganisation of the country, the continual politi-



Scutcheon of the town of Puebla

cal convulsions and the anterior disorders could not produce their natural consequences and general Arista's government that made a new and powerful exertion to restore order and to establish the reign of the law, was obliged to take frequent measures of direct interference in the municipal affairs of the capital; on account of the deficit of the municipal budget, the complete disorganisation of the services and the discovering of grave abuses and peculations, even declared in official and public documents, they «considered vitious any system consisting in intrusting the particulars of administration to collegiate corporations and more so when their tasks were to be distributed among the members and performed gratuitously by persons occupied in other personal business preferently claiming their attention» and they placed once more the administration of the town in the hands of the governor of the District, intrusting him with the whole management of the funds and leaving for the Council the functions of mere inspection like those it might exercise over its own undertakers of works or services, after declaring that equally bad results had been obtained by both the systems tried to do the works, by administration or by undertakers. Had not general Arista's government disappeared almost immediately after taking those measures, the municipal system would have changed in a radical manner, avoiding perhaps new and grave disturbances, as the nation herself would have remained free of a good deal of the evils that were to weigh upon her; but its downfall, calling once more Santa Anna to power opened a new course for the administrative march.

21. The number of the common councils not even mentioned in the succinct Bases for the administration of the Republic the new government set up as a norm, was considerably reduced being limited to the capitals of the States, the District or country towns and the main ports; on the governors the duty was laid to care for the good administration and investment of the municipal funds and of the common and imposts of the villages by dictating all the adequate measures and dispositions, and the Mexico council reduced to a president, twelve aldermen and one syndic, all of them named by the District government, was regulated by a provisory ordinance, prohibiting the same expressly the exercise of any faculty related with national policy, form of government or the acts of public administration intrusted to the high powers of the nation and setting for it some general rules dictated with a good sense and right intention to introduce order into the management of the funds and the different departments, some of those rules having continued in force up to the end of the century.

The municipal fund endowment law of 1848 having been derogated, an attempt was made to simplify the titles of income limitating them for the town of Mexico to the produce of the common, the direct contribution on premises, cars, carriages, horses and beasts of burden, excise-duties, and the imposts on ale, public entertainments and canals (1853) which later on were extended to other branches figuring among them the dogs and the doors and windows.

Continuing under that administration the series of essays and trials, outcome of the state of disorder and anarchy of the country whereto the governments were led by the stinging feeling of the vices and deficiencies of the management of public affairs, the branch of the town's public works was regulated assigning therefor special funds and withdrawing it from the Council to intrust it to a special board presided over by the minister of Encouragement charged to watch the investment of the funds and soon after directly intrusted with the management of that branch, the board of public works being reduced to a mere consultative body. In municipal public instruction, too, the minister of Justice and Instruction was granted a direct interference, so that the functions of the Mexico town council resulted much lessened and almost blended with the general government.

As for the remaining town councils a general *Municipalities arrangement* law suppressed them, intrusting municipal administration to intendants under the inspection and vigilance of Boards which later on, when the state of the country would permit, were to be elected popularly but meanwhile were named by government.

22. The triumph of the Ayutla revolution knocked this scheme down before it had been enacted and the former state was restored, introducing, however, the measures of order experience was claiming more

urgently. The Council named to close the year 1855 was formed by a president, twelve aldermen and one syndic and that named for 1856 was composed of one president, fifteen aldermen and two syndics.

In the general budget of the nation for 1856 although the revenues of the municipality of Mexico were maintained with there collecting office, all the municipal services were included, as also those of the Federal District and of police whereby it became apparent that even dictating the most praiseworthy measures regarding order and organisation, they disowned the most elementary principles of division and separation of the divers administrative entities and they confounded alike as or perhaps even more than, in former epochs, the municipality's estates and revenue with the nation's, not establishing any distinction between the general government and the particular one of the Federal District, nor between this and that of the municipality of Mexico; the same thing happened anew when in 1860 Mr. Juarez government tried to reorganise the whole public administration, the general budget of 1856 being reenacted and a special one for the District issued wherein at the side of the general offices and the courts of justice there figured the offices and expenses of the Mexico town-council, tending to confound the capital with the Federal District that was considered an administrative entity and granted for the needs of its administration 10 per 100 of the produce of the alienation of the clergy's estates.

23. The town-councils, not mentioned in the organic Statute of 1856, were supposed to exist in some of the articles of the Constitution of 1857 and for the Federal District and Territories popular election of the municipal authorities was ordered. The disappropriation laws (1856) deeply affected the municipalities obliging them to alienate their real estates not directly destined to public service, thereby depriving them of the greatest part of their grounds of some edifices and even of a part of the municipal palaces or council-houses they had leased (so it happened at Mexico whose council owned the whole block of the Deputation) and even the public ways, especially the squares, were the object of denuntiations and adjudications, thus the spirit of the Reform becoming exaggerated to extremes far beyond the due limits. Beside the legal necessity, exaggerated as we said, the alienation spirit developed and the municipalities lost numerous and extensive grounds needed for the widening of the settlements and which later on they were obliged to reacquire at much higher prices than they had received, as the town of Mexico was innumerable times in need to do, in order to alineate and regularise its streets, to construct its sewers and to undertake other works.

24. The three years war opened a parenthesis in the legal history of municipality till 1861: the constitutional order being restored, although under the terrible threat of the next deep political disturbances Intervention was to bring about, Mr. Juarez' Government, on behalf of municipal reorganisation, dictated numerous dispositions tending once more to plant and enact, lifting them above the sphere of mere written laws, the ideas that had been dominant long since; it was ordered the town-councils should be renewed by half every year, that of Mexico to be formed by twenty aldermen and two syndics, and those of the other municipalities whose population reached 4,000 inhabitants, of seven aldermen and one syndic, and they should be elected by the people, as also the judges, even those of the civil state, the magistrates and the governor of the Federal District, this being divided into five sections: the municipality of Mexico and four outer circuits having together seventeen municipalities.

Revenue had considerably diminished: from 603,000 pesos in 1860 and an average of 491,000 in the decennary from 1851 to 1860 they dropt to 80,000 in 1861 and 169,000 in 1862; the general government having seized the estates of public charity, this was left in charge of the town councils; the debt of the town of Mexico was increasing more and more and its treasury was devoured by an enormous deficit. Hence government took so extraordinary measures as that of destining for the sinking fund of the municipal debt *ninety per cent* of the income, thus rendering impossible the payment of the services and dooming the Council to permanent discredit; an extraordinary contribution was decreed for the reposition of pavement and for the, leaning of the town and new laws of municipal funds endowment were issued, granting the town as proper funds the produce of the markets, waters and building licences and as taxes the consumption imposts on liquors, inns, pulqueshops, breweries, bakeries, pawnbroking, tobacconists, carriages, dairies, public diversions and games.

By the fact of having its seat in the town of Mexico, federal Government continued the tradition of providencing in municipal affairs: it decreed the creation of hospitals, of the Municipal revenue Administration, remoulding the former Accountship of the Common, placed primary municipal instruction under the inspection of the ministry of Justice and Public Instruction and forwarded the enlargement of the town westwards by means of new colonies (Architects and Santa Maria de la Ribera) which some economical privileges were granted.

25. The intervention immediately opened a new parenthesis in the legal life of the nation and the government by fact of the Empire filled the last years of the period of anarchy and Reform that was to conclude 1867. The Empire established the municipal system of remunerated mayors of government nomination, intrusted with the whole communal administration and the execution of the Council's decisions that were mere deliberating and inspecting bodies, of popular election and without any political function. Such a system yielded good results in the town of Mexico, better ones than the preceding systems had produced; revenue rose to 733.000, 840.000 and 956.000 pesos in the years 1864 to 1866, dropping as low as 295.000 in 1867, a year of great disturbances and of the definitive triumph of the Republic; and although those results had been due in a great part to the uncommon zeal and accomplishments of the distinguished Mayor of Mexico, Ignatius Trigueros, that system, planted by another government than the imperial one, was very likely to root in our administrative arrangements, being more accordant with the good maxim not to intrust the administration to collegiate bodies and councils but to unitarian and remunerated functionaries; Empire, however, contaminated it with its discredit and with the hatred it roused among the Mexican people and thus doomed it to oblivion.

26. The nation's democratic organisation gave the councils the electoral function constituting them into the base or starting point of the mechanism of every popular election; for this purpose they were intrusted with the naming of the citizens charged to form the lists of voters and to distribute among these the voting papers or ballots as also the nomination of the establishers of the voting boxes. In that manner the councils were converted into an electoral factor of first importance apt to legally assure the pureness of public vote; however, in their hands that function was a corrupting element and nearly always they converted themselves into submiss and faithful agents of the party in power, on whose behalf, by small but irregular tolerances and acts of favouritism towards the *casiques*, they won the votes of the low popular classes, the *léperos* (rabble) of the suburbs at Mexico and the Indians in the villages.

27. To the era of the Republic's definitive constitution the town councils arrived, as they had to that of the Independency, with the tradition of disorganised administrative bodies crushed by enormous debts and without elements to perform their services and to satisfy the public needs. Their history presented them subjected to the superior authorities and swept away, although less than other government entities, by the revolutionary torrents in spite of having conserved amidst the anarchy some more unity than the general governments, more continuing in their work and, in consequence, some more economical credit.

Half a century of revolts and war, of incessant party struggle and of always aborting trials, had respected the bases of the institution created by the colonial system, but had been unable to make it progress.

III. REPUBLIC CONSTITUTED (1867-1900)

28. The Republic's definitive triumph over the Empire, that is to say, of the federalist liberal party converted into reformist party, over the reaccionist clerical party, opened a new era in every manifestation of national life. The work prepared by the Constitution of 1857 and still more by the Reform laws was going to get gradually developed and to allow the Mexican people for the first time fully to enter the path of its pacific and progressive evolution.

The revolutionary movements diminished their number and shifted their character, being less anar-

chical and vandalic and there were some only at the end of the presidential periods of Juarez and Lerdo, the former closing with the death of that egregious statesman and the latter with the triumph of the Tuxtepec plan that placed general Diaz at the head of government and initiated the second period of peace that closed the XIX century for Mexico.

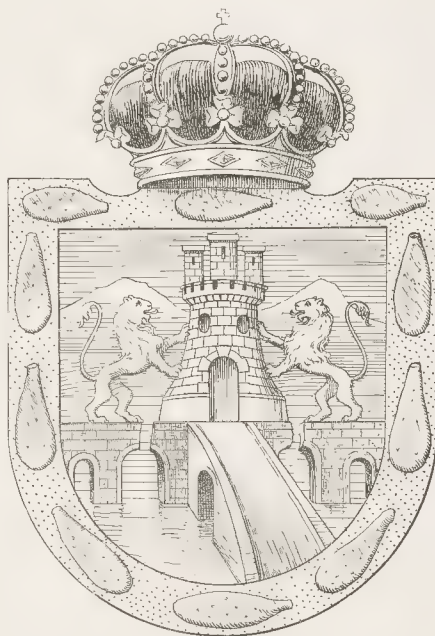
The municipal system like the other institutions entered the road of organisation and of regular and normal functions developing with tranquillity and suffering no longer the consequences of revolutionary violences, adapting themselves to the needs of the country that passed from an anarchical democracy to an effective government directed by a superior statesman under the legal forms.

29. The solidarity of the Council of the town of Mexico with the general government of the country existing since the viceregal times has become more and more accentuated, and the same thing has happened between the governments of the States and the Councils of their chief towns, especially their capitals.

The credit of the nation and that of the municipalities have become consolidated simultaneously, although the former was reconquered abroad before foreign loans could be contracted by the Councils whose credit, however, became strengthened in the interior before that of the Federation, by the experience of their being politically less instable and because, being less powerful than the general governments, they treated their creditors with less arbitrariness. The acquisition of credit gave municipal administration a new means to provide for the necessity of executing the great works for whose undertaking the ordinary revenue are insufficient, and to its common income it was able to aggregate large quantities obtained abroad by means of loans at a low rate of interest and at a long term of amortisation or from the Mexican Banks at less long terms. Not in all cases have those operations been a model of cleverness and wisdom; but in turn, they never exposed to irreparable losses the municipal credit, nor did they ever jeopardise the equilibrium of the Council's budgets.

Although in Mexico the municipality have not made a misuse of credit as has been done by many towns of Europe and North-America where it has not been a rare spectacle to see bankrupt municipalities, a praiseworthy feeling of prudent prevision induced the Federal Chambers to move and vote a constitutional reform prohibiting the States and of course at the same time their municipalities to emit titles of public debt payable in foreign money or outside the national territory, to contract loans with foreign societies or private persons, issuing titles payable to bearer or indorsable. In this way the municipalities will be limited to the resources they may be able to procure by national loans and they will be unable to have recourse to foreign credit, whose use necessarily affects the Federation, unless by means of this, the Federation being the entity that contracts and binds herself.

30. The broad way of material progress entered by the nation, necessarily comprised the towns. That medieval Mexico, traced by the conquerors, built up and widened by the colonial government, filled



Escutcheon of the town of Mexico (colonial epoch)

with churches, convents and ecclesiastical properties by the religious spirit of the xvi, xvii and xviii centuries, must be renovated, almost reconstructed in order to become a modern capital. The transformation had already begun with the Reform: the clergy's estates having been nationalised and those of the civil corporations rescued from mortmain, the old convents were converted into buildings for public service or into private property; the innumerable premises of dead hand entered into circulation and by little and little, ruinous and vetust houses and edifices were changed into modern and comfortable houses adapted to the taste and needs of the epoch. Many churches especially in the centre of the town were pulled down with the ostensible purpose to open new streets and facilitate communications; but the real purpose was to destroy the bulwark they might offer the clergy through their records and their magnificence. As they had been erected by political motives as a means of consolidation of the colonial power, so by a political motive they were demolished in order to consolidate emancipation and Reform. The work has been a slow one and the xix century ended without seeing it terminated; however, its course has been an incessant one and its complete consummation is assured for times not far distant.

Like the capital, all the cities and towns of the country are becoming transformed although generally at a less swift rate; in some of them, however, the reform movement is swifter than in the centre and others have sprung up quite from nought or from villages and towns of the lowest rank have risen to be towns of importance.

31. The movement is accelerating more and more every day and hence the necessity for the municipal institutions to transform themselves with greater swiftness than ever, because the new needs impose themselves with ever increasing exigency. In the countries of tardily and gradually fixed usages and customs, of slow growth, of a long ago initiated and never interrupted progress and which, therefore, do not require widening or considerable and sudden reforms, the institutions likewise tend towards a gradual fixedness; but in new nations like ours and in which an abnormal social state hindered the progressive march during long years, all things are in a period of formation rather than of transformation and all things must be created or so radically reformed that the changes imply an actual creation, because the existing things prove rudimentary when the country enters into normal life. In exchange, in such countries progress may be quicker; the most recent inventions may be adopted at once, the existing things not being a remora for the creation of new ones. The inconveniency of all actual progress to constitute through the interests and habitudes it creates an obstacle for further progress, exists but at a small scale in our towns that had remained stationary during many years keeping the aspect the xviii century had given them.

The municipal services have incessantly become enlarged and complicated since the Republic remained definitively constituted; in all the towns improvements of moment have been introduced chiefly consisting in the construction of markets and slaughterhouses, in sewage and sanitary works, in the building of public edifices, in the improvement of public lighting. Unhappily, in most cases the improvements have not been as radical as they ought to be and might have been, the old systems having been kept up and improving only their manners of functioning and the buildings destined to the same. In some branches progress has really been perceptible and complete as it happened with lighting, a service which in some Mexican towns has become a model one and superior to most of the first European and North-American towns. Gas lighting having been set up in Mexico (1869) and other towns, it was soon substituted by electrical light (1881) and this has very quickly been improved and spread not only in the capitals of the States but reaching even villages of fifth and sixth order. The town of Mexico's sanitation system, about to be terminated, may also be presented as a model of perfection, not being in anything behind those of the most important foreign cities.

32. The increasing complication of the services has needed an ampler endowment of municipal funds, providencing for the Councils new and more abundant resources, for even the most rudimentary observation has demonstrated to the men who directly or indirectly govern the towns, that if their resources increase at the rate the elements of wealth of the country are developing, the needs are growing still more rapidly.

Public revenue having been classified by the law of September 12th 1857 that only established the division: the Federacy and the States, not taking the municipalities into account, although it enumerated the income that always had been considered municipal, assigning them to the States and the Federacy for the part relative to the Federal District and to Lower California, as a matter of fact, municipal revenue continued existing and being collected and distributed entirely sundered from the rest. The law of 1857 being declared in force when the Republic was restored, although derogated soon after, a marked separation and classification movement began at once has continued ever since, not contriving yet to sunder with entire precision the merely municipal revenue from those corresponding to the States or the Federacy; for up to this day the license tax for mercantile establishments is divided, according to the branches, between the municipality and the Federal treasury, it not being possible to determine the general principles whereon the division was founded or to determine the same with exactness, unless you have before your eyes the impost laws and make a minutious study thereof.

Since 1867 the executive issued a Mexico municipal fund endowment decree which, respecting the fundamental bases of the law of 1848, gave a wider range to the municipal right of collecting tolls and excises on national commodities introduced into the town, making that right the most important branch of income for the municipality whom it granted a certain percentage of predial contribution and of the Federal duty on patents.

Posterior laws increased the established quota on behalf of the municipalities of the District and especially that of Mexico; they yielded them some branches of the contribution on patents and created as new resources the tax on carts for transport (1885), that on pavements and sewers, primitively graduated only according to the extent of the façades (1885) and afterwards, also according to the situation of the premises in the different districts of the town and after the class of pavement used in the respective streets (1897); the tax of 15 per 100 on the entrance fees of bull-fights (1886); that on kilns for brickmaking and that of canals (1888) and that of waters which from a mere remuneration of the voluntary and contract service for providing the houses, became raised to be a general one, it being compulsory to take some for any premises not having a grant of its own or an artesian well (1890). The grants of water in property allowed by the town-councils of the colonial epoch and by those of the Republic in its first times, whose origin was that of a remuneration for distinguished services rendered the town and more commonly the purchase accepted at moments of grave penury of the municipal coffers and to cover urgent needs, have been acknowledged and respected at all times, constituting a cause of decrease of income in the water department although their number does not exceed two hundred and fifty and during many years no new one has been bestowed.

In 1885, the share of the Mexico municipality in the tolls was increased to 40 per 100 in exchange

VOL. I.—171.



Escutcheon of Mexico (present epoch)

of which it became obliged to destine \$ 400,000 a year to the drainage of the valley, an obligation that afterwards was converted into that of destining for that undertaking the greater part of the produce of the municipal loan at 5 per 100, contracted in London in 1889 for £ 2,400,000.

In the different laws whose dispositions we have stated we note as their main tendency that of increasing the municipal funds; however, in the background there also appears the aim to procure by means of some special imposts a better policy under different forms, either charging with heavier duties the objects whose reform they wished to produce or rendering compulsory the payment of a quote although the corresponding service were not done. For such motives and in order to diminish the waste of pavements, a special rate was established for vehicles with springs, lower than for other carriages and for hygiene's sake it was made compulsory for every house owner to provide his house with water.

33. The abolition of excise decreed by an express constitutional precept since 1857 and whose realisation had come to be considered a utopia, was fulfilled on July 1st 1896 thanks to the effective authority acquired by the Federal Government under the presidency of general Porphyrius Diaz and to the energy and ability of the distinguished statesman Lic. Joseph I. Limantour, minister of Finance.

With the toll and other excise duties the municipalities lost a most important part of their revenue and saw the main source of their income dried up, thus sharing not a small part of the transitory crisis produced throughout the country by the extinction of the inner custom-houses, remora of commerce, industry and, in general, of the nation's prosperity. In consequence it became necessary to substitute, in the endowment of municipal funds, the produce of excise or to free them of charges and services to a sufficient extent to keep the equilibrium of the budgets; for the municipalities of the Federal District and Territories the problem was resolved through the combination of two means: one being the increase of income by the creation of new imposts, by augmenting their participation of the direct taxes collected by the Federacy (land-tax, patents, etc.) and by granting them subventions; and the other consisting in diminishing their expenses exempting them totally and definitively of some branches of service or freeing them of the obligation to contribute to the expense of services that had lost the character of municipal ones but to whose maintenance the municipalities continued cooperating. That of the town of Mexico no longer defrayed the expenses of the District government and of the general police inspection nor did it continue contributing to public charity for which it had allowed \$ 500 a day; on the contrary it received \$ 60,000 a year to sustain the jail, being no longer intrusted with primary education, the same thing happening with the other municipalities of the District and the Territories.

In order to unify the system gradually established by the anterior laws, the general law of the District municipalities income was issued in 1897 classifying the produce as proper revenue (waters, leases, etcostera), municipal rates, assignments of federal taxes, subventions of the General Government and extraordinary and accidental income. The same law created the tax on building materials and on public betting.

34. The general progress of the country, and the measures referred to, have caused the income of the town of Mexico to increase, at an annual average, from \$ 645,000 in the decennial 1861-1870 to \$ 3,310,000 in the decennial 1891-1900 and that of all the municipalities throughout the Republic, being \$ 11,500,000 in 1889 to rise to \$ 14,600,000 as an annual average in the decennial 1890-1899, coming to represent 80 per 100 of the total income of the States that was \$ 17,332,000 during the same decennial (1).

35. The favourable effect of the increase of the proper revenue has been augmented by the aid the

(1) Annual average of the income of the town of Mexico for decennials: 1851-1860, \$ 491,000; 1861-1870, \$ 645,000; 1871-1880, \$ 890,000; 1881-1890, \$ 1,814,000; 1891-1900, \$ 3,778,000.

Income of the town of Mexico at the end of the xviii century, in yearly averages: 1767-1770, \$ 60,500; 1771-1780, \$ 70,200; 1781-1789, \$ 94,800.

Income of all the municipalities of the Republic according to a calculation made on the statements of the annuaries of the Ministry of Encouragement for 1898 and 1899: year 1889, \$ 11,500,000; decennial 1890-1899, yearly average, \$ 14,600,000; year 1899, \$ 16,900,000.

States have lent their municipalities, especially of their capitals and Federacy those of the District and some ports either under the form of direct subventions handed in ready money or by paying municipal sanitation works, water supply, enlargement of streets and squares and other similar improvements.

Since long ago the municipalities of the sea ports have been receiving some part of the importation duties, the Federal Government considering the salubrity, commodity and smartness of those towns was not only of local interest, but regarded the whole country, in its relations with other nations.

36. For the investment of their funds, that is to say, for the services and for the execution of municipal works, the town councils have alternately employed the systems of administration and licitation, neither of them ever giving results sufficiently satisfactory to be adopted exclusively; successively



Mexico.—Town-house. Council-chamber

one and the other have been practised and abandoned and even a combination of both has been tried according to the degree of managing capacity and personal inclinations of the city functionaries. The cleverest and most laborious of them wanted the councils to manage their own works as any private person might do to satisfy his needs in a direct manner; others, alleging the administration system produces services of very insufficient quality at very high prices, have had recourse to contractors for prices beforehand agreed, subjecting them to the vigilance of the municipal officers, a vigilance which in many cases has been accused of being careless and deficient.

In the city of Mexico no system ever preponderated, both alternating since 1834 and neither giving entire satisfaction, so that we may extend to the whole post-independency epoch what was officially told in 1852 by Ferdinand Ramirez, minister of the Home and Foreign Office in general Arista's government: the evil does not lie in the system of execution, but in the want of unity of direction and in the execution itself because they are intrusted to unityless and cohesionless collegiate bodies.

Throughout the Republic nearly always the rule has been observed to yield to contractors the works

of greater expenditure and importance, because in these precisely there have appeared more startlingly the defects and insufficiency of municipal organisation whose efficiency has depended rather than on itself and the capacity of the permanent and remunerated officers, on the aptitude and endeavour of the presidents of the council and the not remunerated aldermen, of frequent renewal, yearly according to the law, but practically biennial or triennial.

Another manifestation of the insufficiency of municipal organisation is the constitution and nomination of special boards, more or less dependent on the councils, but always distinct from them and often without a term for the renovation of their members taking charge of the management of some branch of the service (charity or others) or the execution of some determined work (draining, sanitation, monuments, etc.) and which are but auxiliaries and delegates of the municipal bodies of whose natural mission the functions intrusted to those boards are incumbent, they being detached from the same to assure either the powers wherefrom they receive subventions destined for a determined aim or the public itself that the allowed funds will be honestly and carefully applied to their purpose.

The auxiliary boards, up to the present moment have been of a reduced and very select personnel and have rendered the city administration excellent services.

As the services went on growing and becoming complicated, the difficulties to obtain a satisfactory result by means of the municipal organisation has become more accentuated and, as a consequence thereof, the sphere of action of the councils, especially in the capitals of importance is growing more restrained, numerous departments being withdrawn from them after experimenting an interference of other higher authorities: only in the settlements of the lowest range and least importance there subsist councils representing and assuming all authority.

The Mexico Council, like many other town councils, has lost the departments of justices of the Peace formerly exercised by the Mayors; security police now in the hands of the District Government being the head of the whole police body, although the policemen still keep the name of municipals; the department of charity that passed first to a special board and later on to the Home Secretary; that of primary education which now incumbs to the ministry of Public Instruction; a good deal of sanitary police intrusted to the Board of Health, and the prisons placed under the exclusive control of upper political authorities.

37. However, if by the imperious necessity of giving cohesion to the administrative functions and in order better to satisfy the social interests, the town councils have lost no small a part of attributions regarding the departments of their incumbency, that same necessity and the ideas about government, in exchange have caused them to acquire, not by express laws, but gradually and almost imperceptibly, certain faculties never considered as belonging to them, although by the very character of their institution they ought to fall under their attributions. However strange it may seem, the Mexico Council never had, until a few years ago, the faculty of regulating its own offices, or of creating municipal employments, of fixing their remuneration, of organising their services; all this was ruled by laws or by decrees issued by the higher Federal Powers, there having remained in force nearly up to the last day of the XIX century the regulations issued by the Home secretary, in 1856, for the secretary's office, treasury, direction of public works and gauging office (assay of weights and measures).

Thus then, to the restriction that the town councils had to submit to the approbation of the political authorities all their acts and decisions of general observancy or regarding the distribution of the funds, there was aggregated the enormous restraint to be obliged to perform their functions precisely with the procedures and the personnel beforehand fixed by the superior authority, which obliges us to say that the scantiness of the powers confided to the town councils could not be more apparent and that, as we shall state in the final remarks of the present study, the municipality in our country never was an actual power or even a distinct and separate institution from that which in general terms had the public administration in charge.

38. The government of the Federal District, an entity arisen in virtue of the Constitution of 1824, has subsisted since then, for, although the epochs of federative system were followed by many periods of

centralism wherein, of course, the Federal District disappeared, the Governor shifted his name being called Prefect; but his functions continued being the same, as first political authority, head of the police and superior of the town councils. His functions, still vaguer and more indetermined than to-day and being fixed not so much by the law as by the personal character and the political influence of the man who performed them, have slowly become delineated and his attributions increased at the rate the town-councils saw their sphere of action reduced, many of the incumbencies that had been municipal ones passing over to Government and it being very often to be remarked that there existed no precise rule to separate the government attributions from the municipal ones and as soon as there was no personal harmony between the respective functionaries, jurisdictional conflicts immediately arose deeply perturbing the course of administration. It could not be otherwise; the Governor of the District being clearly and doubtlessly of the municipal order since his functions are limited to police under its different phases and the satisfaction of local needs, of direct interest for the citizens, and the municipal administration being at the same time intrusted to the councils, the law could not establish a clear and precise division of functions. The ideas dominating when the Constitution of 1857 was being elaborated, also were an element that disturbed the quiet evolution of the institution of the Federal District: it was deemed possible and even necessary to transfer the residence of the Federal powers to another town, that of Mexico with the Federal District being to form the Valley State, a federative entity equal to the other States. Half a century has gone by and the irrealisability of that thought now appears obvious to every Mexican; but meanwhile the organisation of the District and its municipalities met many political stumbling blocks of bulk and never was undertaken thoroughly, all the governments being satisfied with making dispositions of secondary import, leaving subsistent all the fundamental questions and serving only to supply the momentary needs.

To-day, the administrative order, the greater preciseness of the ideas of the persons in office, and the greater effective force of Government, make their influence felt in the municipal legislation and the movement initiated many years ago will surely end before long by a fundamental reorganisation of the municipalities in the Federal District.

39. The laws that are in force at the end of the XIX century are wholly missing unity. Municipal legislation being based on the Ordinances of 1840 and 1841, many of whose dispositions are openly opposed to the Constitution of 1857 and have been modified by numerous later laws establishing contrary rules, is forming an inextricable labyrinth, only the new dispositions being enacted, until after a lapse of time or when their authors are no longer in office they fall into disuse. As a matter of fact, more than the Ordinances, the laws about taxes and the regulations of the services, police, sanitation, etc., have been the base of legislation.

In spite of the never interrupted organisation labour of the last quarter of the century, municipal management has continued being very confused and entangled; in many of its departments other authorities have had direct and immediate interference and although much has been done to set an end to the confusion, as the classification has not been carried to all its consequences, the same matter was found ruled at the same time by dispositions issued by the town-council, the government of the District, the Board of Health and other authorities. The Government and its Prefects dictate the rules regarding the police of the public roads, while the construction and conservation of pavements figure in the list of the municipality's incumbencies; the Council regulates the municipal slaughterhouses in all things regarding hygiene and so in numerous departments.

40. As for the personnel composing the councils, the general rule is that the majority are aldermen the first of whom acts as a president and that there is one or two syndics acting as attorneys and judicial representatives of the municipality. The laws establish that all these functionaries are to remain in office one year and are to be elected by the people; but practice has consecrated the custom that the renewal is not a yearly one, this being brought about by means of reelections, the higher political authorities designating the candidates to be chosen by the electoral bodies which, quite agreeing with these

authorities, always sanction their determination there never being agitation or popular struggle. Some times, general Government abstained from directing the municipal elections (1876); but the Mexico council resulted of so heterogeneous a composition and of a personnel so notoriously incompetent for the management of the affairs that it became indispensable to annul the election. This faculty of designating the municipal officers the Republic has granted as a matter of fact as well the Federal government as the local ones of the States, has proved to be by far superior to actually popular election and has contributed a good deal to national progress, permitting the entrance into the town-councils, in the same way as



Mexico.—Town house. Main staircase and hall

into the actually political bodies, of men of probity, intelligence and administrative talent although lacking popularity among the unlettered masses that form the majority of the population.

Certainly such a divorce between practice and law cannot be but transitory in this point as in all others of the Mexican institutions and in a not remote future some system must be sanctioned by the law, capable of being practised without jeopardising the social interests; however, in the last quarter of the XIX century the fact has been such as we have stated as a special case of the characteristic phenomenon of that period of peace when the Nation has frankly entered the path of its social and political organisation depositing by tacit consent into the hands of a leader respected by all an omnipotent and general might to direct public affairs.

41. At the opening of the XX century the municipalities, like the remaining national institutions, are to be found in the very period of development and rapid transformation: endowed with larger pecuniary elements than ever, but in front of the huge necessity of satisfying increasing exigencies that may be summed up into this one: to convert into comfortable and healthy settlements for numerous groups

of an active life those which the colonial system founded at an epoch of quiet and unweary life and which the revolutionary period conserved small, narrow, unhealthy and uncomfortable. To adapt the Mexican towns to the modern type proper for an ample and active life is the present mission of the town-councils and on the manner how it is performed the future of the Nation will greatly depend, for even in order to merely subsist peoples must follow the course of the general progress of mankind.

Hence tremendous financial and municipal organisation problems arise urgent to be wisely resolved and the more intricate and difficult, the more extensive and important the towns are.

42. Quite different from the towns the history of the small villages has been and specially that of the so called *Indian hamlets*. In vain the Mexican laws have endeavoured to obliterate the deep division between the races that constitute the national population and which in the Spanish colonial legislation gave rise to two laws, one for the white man, European or creole, and the other for the Indian. The Republic effaced all difference from its Codes and made the fundamental base of its legislation the most complete civil and political equality of all the Mexicans; however, unhappily, the effort has in a great part remained sterile and the Indian has continued and still will continue for many years sitting at the door of his *jacal* or cultivating and working by the most primitive procedures his fields and woods which he keeps in common against the law, until the rise of wages and instruction, both the literary and the industrial, will heal his chronic diseases: misery and ignorance, that keep him doomed to-day to the apathy and sad immovableness of his ancestors' seated idols.

The law has made or rather wanted to make the Indian hamlet a settlement ruled and managed according to the same principles as those of the white and mestizos and even intrusted their councils with the task of watching the distribution of the common grounds, soul of the old peoples and whose alienation was decreed since 1856; but such dispositions have been useless, and in vain, when the Republic was restored (in 1868), the distribution and reduction of the common lands into private property was insisted upon. Those councils, missing all initiative regarding municipal administration have continued shielding and defending collective property with all sorts of wiles and legal subterfuges, not even causing the old local *caziquedomos* to disappear, for the *caziques* have always been the aldermen and presidents of the municipalities, thus strengthening and legalising their power over the Indians.

CONCLUSION

43. What has municipality been in Mexican history? What is it to-day? What will be the future its past and present state allow us to conjecture? Such are the questions I am going to try to resolve in a brief synthesis.

44. Municipality has been the elementary administrative unity and the first base of territorial division. In the same way as the provinces and intendencies of the colonial epoch and the departments of the centralist epochs, the present States of the Federacy and the Federal District and Territories are divided into municipalities forming through the union of several of them a superior administrative division named party, district, prefecture or canton, although, there are States directly divided into municipalities without the intermediate division of districts.

45. Municipality has always constituted a juridical person, capable of rights and obligations, able to acquire and possess estates as well as to contract, and forms to-day, with the Union and the States, the trilogy of the moral persons of public administration, being distinguished by this character from the districts or prefectures as also from the Federal District and Territories deprived of civil personality.

46. The general function of Municipality has been to satisfy in every locality the most pressing and primordial needs of life such as the providing of drinking water, drainage, lighting and paving of streets and squares, public parks, general sanitation and police. These needs being more imperious than any other, their satisfaction is more urgent and the manner how they are satisfied becomes more patent and perceptible for every man and so proves more important. The inhabitants of a town will always have a clearer and more evident interest to be well provided with water, to dispose of clean, well paved and lighted streets and to possess good markets where to acquire their food than in most of the matters submitted to federal legislation, for however great their importance may be, generally it is an indirect one.

Thus then the deficiency of the municipal services has been an irrecusable proof that life has not risen to a higher degree of culture and that man has not reached in the satisfaction of his material and lower needs a facility enabling him to consecrate the better part of his activity to the development of his highest faculties.

47. Although the municipal power naturally implies the legislative function regarding the organisation of the cities, their police ordinances and the local taxes, as is to be observed in several European nations, in Mexico the town-councils never had that function; being deemed subaltern agents of the executive power and dependent on the same they never set the bases of town government, never dictated any measure but of mere inferior police, and still less have they ever decreed taxes to cover their budgets. Subject to the Federal Congress in the District and the Territories and to the Legislatures in the States, like the other powers and all the authorities, they have not depended, however, on the Legislative Power as it happens with the municipal corporations of North-America, nor have they ever given account to that Power or submitted the same their acts to get them revised or approved, but as I have stated, in every conception they have been considered a branch and dependency of the Executive and this has contributed to some degree to subtract them to political agitations and to give them unity.

48. Nor, strictly speaking, have the town councils of this country ever performed judicial functions, for if in the colonial epoch the mayors exercised some jurisdiction, they were not confounded with the councils, although they were municipal functionaries; their decisions were executed with total independency on the Council and as if they were issued by the mayor's own personal faculty.

49. In general, the town councils have been and are bodies managing affairs by themselves and directly and whose resolutions are executed by commissions named amidst themselves, submitted at the best to the decisions of the corporation and therefore lacking executive unity, in spite of there being municipal presidents, for the proper functions of these are legally limited to directing the deliberations and distributing the tasks, not being allowed to dictate superior and fundamental providences or to execute the resolutions of the councils. Different from the *mayor* of the towns of the United States authorised to name officers, to issue ordinances and to oppose his veto to the decisions of the municipal body, the Mexican municipal presidents are but the first aldermen, being intrusted, like the second or third aldermen when the first is missing, with the care of leading the transactions of the council, but not of steering their administrative course or of tracing their general plans of action.

50. This system could subsist without grave shortcomings during the tranquillity or rather the quietism of the colonial epoch. It also subsisted during the revolutionary epoch, exactly because the permanent state of crisis hindered the administration to be reorganised. But afterwards, in the epoch of the country's development under the Republic definitively constituted, it has entered into a period of radical transformation that comes very near to dissolution.

The town-councils, composed of functionaries without remuneration or responsibility and characterised by their lack of prevision and their incapacity to satisfy the growing needs of extensive and populous cities, no longer fulfil their mission, and the increasing complication of their affairs makes the insufficiency of their organisation stand out apparent, in spite of endeavours to extenuate that insufficiency by the creation of auxiliary, but independent, boards. In vain the Federal Government as well as the

States' Governments, each one in the Municipalities corresponding to each, tried to remedy the evil, employing in the municipal administration the men of greatest managing endowments, of most intelligence and probity; many of them have been called afterwards to offices of higher rank and responsibility, even becoming clever Secretaries of State; but in spite of their personal accomplishments, during their management municipality continued being what it had been ever before, with only differences in grade: a body of very slight efficiency and little cohesion.

Hence it happened that, without any precise consciousness of the fact, whenever they wanted considerably to improve a department or there appeared some more imperious needs than the ordinary ones, the sphere of the municipal attributions was reduced and the higher authorities gradually absorbed the incumbencies of the town councils.

51. We may, therefore, venture to foresee such an absorption will continue its course, the town councils disappearing from the large cities in a not very distant future, or at least their organisation becoming radically transformed so that they lose their character of managers and only in the towns of a second or lower range they will remain to perform the functions of the last ramification of the administrative power, in resemblance with the capillary vessels of the circulatory system in the animal organism.

As for the municipalities of the Federal District and Territories placed by the Constitution under the immediate dependency on the Powers of the Union, and especially regarding the capital of the Republic, residence of those Powers and of the Diplomatic body, the proper reasons of the management of a large town are reinforced by considerations of a political order exacting the high functionaries of the Nation not to be submitted, albeit indirectly, to the jurisdiction of authorities, that were not exclusively federal ones.

52. The belief that the election of the municipal functionaries and the rotation of these employments among the citizens constitute a school for democracy being a necessary preparation for the national political life has been given up with so much greater quickness as the experience of a quarter of a century of peace and progress has shown the Mexican people that the Jacobine principles of absolute democracy are not exactly those that can free the Nation of her evils and make her persevere in the path of civilisation and improvement. The principles of abstract and ideal policy have been substituted more and more by the teachings of positive sociology. And although the present political state of the country can only be considered as a transitory one, a preparation for another better and loftier one, the inductions based on the past and the present make us believe that this country's definitive organisation of its political institutions will be made on quite different bases as those which the constituents of half a century ago tried to establish.

53. The last thirty years have disclosed the government of the towns new and wider horizons and in some countries municipal administration was radically transformed after deep studies and long discussions. In most nations people became aware that the established systems were deficient and inefficacious to satisfy the needs of the inhabitants and, more or less, everywhere big reforms were introduced, the most important one being perhaps the so called *municipalisation* of the public services that consisted in



Engineer Robert Gayol,
author of the project of sanitation of the town of Mexico
and director of the works

making it obligatory for the town councils to procure for their citizens not only water, roads and markets, but also urban transports, lighting, force and heat for dwellings and private buildings, declaring those needs and other analogous ones to be, in modern times, as urgent as drinking water, sewerage, etc., and that, therefore, it is public administration and not private enterprise that must undertake them, thus hindering from becoming a commercial job what is of the first necessity for a cultured and higher life. As a reason for introducing the new system the example of the services has been invoked the State is intrusted with since many years ago: post, telegraphs, jetties, roads, etc.

The system planted for the first time in England (Glasgow, 1870; Birmingham, 1873; Manchester, 1875), has gradually become generalised and the notion of Municipality has been transformed there so much that it has been said that: «the municipal council of a town is the director of a large cooperative society of which every citizen is a shareholder and whose dividends consist in the improvement of the health, recreation and happiness of all» (Lord Chamberlain.)

The Mexican town councils being little disciplined for the management of industrial business, lacking the unity of action necessary for such enterprises, it has not been possible for them to enter the new path and we have seen that, on the contrary, they have yielded several of their most important departments into the more energetic and powerful hands of the higher authorities or of delegate boards.

54. It will be the work of the xx century to give the municipal institutions, that is to say, that branch of the public power that has in charge the satisfaction of the most urgent local needs of the citizens, a stronger and more efficient organisation, depriving the councils of all direct and immediate administration and leaving them the political function of being the primordial element of the electoral organism charged to form the polls of voters and to settle the centres for voting.

Regarding the increase of welfare in the towns and their progress, it is to be believed the problems already set will become complicated with another that begins to emerge in this country: that of the depopulation of the fields and villages, their inhabitants going to concentrate in the large towns that exercise an irresistible power of attraction through the commodities and pleasures they offer, determining thereby an exodus which deeply perturbs the social order, especially on its moral side. Of course, this perturbing phenomenon is more efficaciously combated by economical measures than by a good municipal management of towns and villages; but at any rate this will be a favorable element, producing among other consequences that of rooting their inhabitants, causing them to live contented and satisfied with their tranquillity.

The municipal problem is without doubt a most arduous one; there is reason to think the Mexican rulers will know how to resolve it. And why not, since they have given a satisfactory resolution for other not less complex and transcendental problems for the constitution of the nationality and for the enhancement of their country?

PENAL ESTABLISHMENTS

1. The evolution of the penal establishments has been directly led by that of Penal law. They being the means of execution of the sanction set up by the latter, as long as the social reaction against the culprit was not intrusted to the public power or only consisted in eliminating him from society by death or by simple expulsion, or in a merely physical evil such as whipping or mutilation, there were no prisons nor was there any need for such, unless for the keeping of the accused during the time of the judgement.

Therefore in antiquity when Penal Law did not constitute a systematically organised body of doctrine and of legislation, there were no actual penal establishments; they made their appearance in a higher period of general evolution when the greater complication of social life gave rise to frequent misdemeanours and it became necessary to organise an active and disciplined repression in order to defend society.

2. When the colony of New Spain was founded Spanish legislation had already acknowledged the principle that «it does not belong to any man, nor has he the power to get a jail made nor to shut men up in prison therein, but only the king and those he allows to do so.» (Part VII, title 29, law 15). But at the same time it was stated that prison was not a punishment: «That the jail must be to keep the prisoners, and not to do them wrong or any other evil, nor to give them pain therein..... that it is pain enough to be caught and enjailed and to receive after being judged, the punishment they deserved.» (*Ib.*, law 11).

The only care of the prison, according to that body of laws, consisted in the material security of the prisoner, in order to prevent his evasion: «Archers or arbalisters, or any other men, who are set to keep the prisoners of the King or of some Council, ought not to take them out of the spot where they were ordered to keep them, nor out of the jail..... We also say that they who must keep the prisoners must be heedful to keep them with great care and great caution and more by night than by day. And by night they must keep them in this manner: throwing them into chains or into stocks and shutting very well the doors of the jail; and the head jailer, every night must lock the chains and the stocks and the doors of the jail with his own hand and keep the keys very well, leaving men within to watch the prisoners with candles all night so that they are unable to file the fetters they lie in or to make themselves loose in any way: and then, when it is day and the sun has risen they must open the doors of the jail, that light may be seen.» (*Ib.*, law 6).



Puebla. — Municipal Palace

3. In the Recopiled Laws the organisation of the jails began to become traced with some more firmness and several of the principles were sanctioned which even this day we consider fundamental for the regulations of the penal establishments: separation of men and women in different prisons or departments, existence of registers of the prisoners and prohibition of games of chance among the enjailed; however, prisons were not yet considered public establishments to be maintained by the King or the State, every prisoner must provide for his subsistence with his own resources and pay *jail duties* as a remuneration or fee for the jailer and his men. However, a humanitarian feeling got prevailing and for the feeding of poor prisoners the system of alms on their behalf was established (1) and they were exempted from the payment of duties and order was given not to detain them in jail with the aim of making them pay (*Nov. Rec.*, book XII, tit. 38).

(1) Still to-day, in the General Jail of the District (Belem) the prisoners call *charity* the food they receive, although it is supplied by the administration.

4. The Indian Laws, conserving the same principles ruled that jails were established in every city, town and village, showing the religious character of that epoch by the providence that all had their chapel and chaplain and disposing that the prisoners should be well treated, that the jailers should not make themselves served by the Indians nor entertain commerce with the enjailed, and that they should not retain the poor nor take pawns in payment of duties or fees. The feeling of pity for the culprit became accentuated, at least in the law, endeavouring to protect the prisoner against the grave misuses of the jail-keepers and to extenuate the rigours of medieval legislation (*Rec. de Indias*, book VII, title 6).

All New Spain prisons were jails in common and practically very different from what was prescribed by the laws.

5. Besides the jails there were in the colony the *presidios* founded especially in the Northern region with the triple character of advanced military fortresses to widen the conquest, of means of peopling the remote provinces and of penal establishments, for together with the garrisons the criminals were sent and guarded there.

San Juan de Ulua and Perote were also fortresses and prisons at the same time.

All those establishments subsisted till after the Independence and especially those of the North were kept up as spots of defence against the unsubmissive barbarous Indians.

6. A long and pleasant work it would be to chronicle the foundation and transformations of the jails established in the town of Mexico; but this not entering into the limits and aim of this work, we limit ourselves to state that during most of the colonial period those jails were three in number: that of Court occupying the northern wing of the viceregal Palace extending over Archbisdome street and having a front to the Place of arms; that of the City, situated on the occidental side of the town-hall or Municipal Palace, with entrance through the Callejuela and the third in Santiago Tlatelolco having the special character of being destined for determined offenders. The Court jail was destined to prisoners for criminal causes or grave misdemeanours and the City jail for persons responsible for slight offences.

7. All the provinces of New Spain were constantly suffering the greatest insecurity: numerous bands of outlaws infested the roads and even the towns were full of robbers who assaulted the dwellings and stripped the passengers in the streets.

The vast extent of the territory, the ruggedness of many districts and the want of easy roads as well as of means of swift transport were, to be sure, the cause of so great an evil and, regarding the towns, the lack of a well organised police to exercise an efficacious watchfulness and of a competent lighting.

Several dispositions were dictated by the Spanish government to repress crime, especially the assaults as being the most frequent and causing most alarm. One of the most important was the establishment of a special jurisdiction, the Santa Hermandad which by means of its provincials and mayors enabled to chose officers and captains, ought to pursue and punish the robbers, in the same way as the Hermandad at Sevilla (1631). This proving insufficient, in 1664 all the judges and justices were authorised to get their sentences, even those of death, executed without underlying a superior revision.

This measure being also inefficacious, and other means put into practice alleviating the evil only for a time, the viceroy duke of Linares, accordant with the Audiencia (whence the name of *Acordada*) instituted a provincial Mayor of the Hermandad at Querétaro whose faculties were enlarged soon after (1719), his sentences being declared unappealable and exempted from the necessity of being submitted to the Criminal department for approval, so that as a matter of fact a new unitary Court was erected of extensive jurisdiction, large faculties, brief procedures and ineludible dooms.

The first judge of the Acordada was Michael Velazquez de Lorea who remained in office until 1732; the second, Joseph Velazquez de Lorea, son of the former, acted until 1756, and the third, Hyacinth Martinez de la Concha performed his duties till 1774; then there followed six more judges the last of whom still acted after the Independence war was begun (1812). From its foundation up to the year 1809, the Acordada Court judged 62,000 culprits, 888 of whom were executed, 19,410 doomed to hard labour, 1,729 were whipped and 1,280 died in prison.

VOL. I.—PART FIFTH

Municipalities—Penal establishments—Relief of poor

The Mexico penitentiary



During the xviii century the Acordada was the actual sustainer of security on the highways and even in the towns, disposing at last of about 2,500 agents called lieutenants or commissaries who did their service gratuitously and constituted an actual body of police, disciplined and active, undergoing more than once real fights with the gangs of banditti.

For the service of that tribunal and in the quality of jails some galleries at Chapultepec were destined and afterwards they were transferred to a place at the West of the Poor-house, the same which many citizens of Mexico still know under the name of Acordada, situated in Patoni street, between the streets of Balderas and Humboldt; but ruined through an earthquake in 1776, it must be rebuilt and this circumstance was turned to profit in order to give the edifice the distribution and the securities corresponding to a prison and thus it became in its time the best, if not the only true jail. Its expenses amounted to 57,000 pesos a year whereof 30,000 were supplied by the Tribunal of the Consulate, 2,000 by the Royal Treasury, 13,000 by the pulque branch and the remainder by the assignation of four reales laid on every cask of pulque or spirits. I have not found any statement regarding the number of prisoners there were in the Acordada during the xviii century; however, baron Humboldt affirms that in 1803 there were more than 1,200 in all the jails depending on that tribunal.

8. When Independence was consummated the jails of Mexico were placed at the charge of the town council which, as we have seen, then entered into office with a wholly disorganised treasury; so that in the Nation's first years of life, the prisons could not possibly improve, on the contrary, their situation must have become rather worse. The diseased prisoners being assisted at St. Andrew hospital, in its archives there are statements registered that the Municipality was unable to pay for the beds corresponding to the same and came to owe important sums in that conception. It also happened more than once that the National Treasury must aid the town in the maintenance of the jails handing the same some quantities as a subvention.

9. The movement promoted at the end of the xviii century in England and in the United States of America by men like Howard, Bentham and Blackstone, on behalf of a reform of the jails and which its authors sustained and propagated with a truly apostolical zeal succeeding to attract a distinguished phalanx of men of science and philanthropists, remained not unheeded by the Mexican rulers and thinkers who, amid the political struggles that absorbed all the national energies, fixed their attention well enough on the improvement of the jails, although, the Republic not being yet constituted, it was but natural their work would not yield immediate results, serving only as a preparation for quieter and more propitious times.

The reform of the prisons by means of general and compulsory work for the prisoners, as a transitory measure and the erection of penitentiaries as a final aim became one of the ideals of public administration, being proclaimed by all publicists and inscribed on the platforms of all politicians as a necessary base for social security and order.

10. The jails of the town of Mexico having been regulated in 1814, their regulations, reformed in 1820 and supplemented in December 1826, then constituted a pretty complete and homogeneous body of precepts whose chief bases were the prohibitions to admit prisoners without the circumstances and requisites provided by the Constitution and to exact any duties, and the injunctions to make work compulsory and to feed the poor prisoners at the expenses of the jail funds. Besides, religious practices, mass and rosary, were established and the municipal jail board under whose immediate authority the prisons were placed was ordered carefully to watch and to designate, in accordance with the remaining councillors, the spots



Mexico
Ancient view of St. Francis streets

where the doomed were to go to toil at public works, a penalty in use up to the promulgation of the Penal Code of 1871.

By a decree of April 24th 1823, the narrow dungeons were ordered to be demolished in order to give the prisons the necessary cleanness and ample space to conserve the health of those held in custody. Nevertheless, many years later on there still existed *las tinajas* (the jars) of San Juan de Ulua, damp and narrow dungeons opened into the walls of the fortress lashed by the sea and which did not disappear until, a few years ago, the work shops of the naval Arsenal were created.

In 1833, although the jails continued being under municipal administration, the Secretary for Justice issued a regulation establishing in the national jail, the ex-Acordada, workshops of arts and crafts where it should be compulsory to work for all the prisoners doomed to labour or subsisting on the funds of the prison, those who had no craft being obliged to learn one. However, this disposition, as all of the same nature, never was practised in a constant and definitive manner; it was fulfilled in so deficient a form that it could not be expected to produce any practical result.

11. The necessity of organising the jails in such a way that they might not constitute focuses of moral corruption where «the good turns bad and the bad become worse», imposing itself on every government man because the state of moral and material abandonment of the jails was so apparent, and, on the other hand, the necessity of caring for the conservation and enlargement of the public works made people endeavour to find the satisfaction of both necessities in their combination with one another. Hence, in the second third of the XIX century, a tendency became accentuated that was not unknown in the colonial annals: the construction of high roads employing as the sole or at least as the main element of work, the labour of the convict. Whenever the question was to open a new road or to repair an old one deteriorated through want of keeping, a want originated by the instability and critical financial condition of the governments and which some times was so great that the roads became almost intransitable, they decreed the erection of one or more *presidios* at spots situated on the way they wanted to construct or to repair. Thus, among others, two *presidios* were created for the road from Mexico to Veracruz, another especially for the branch from Perote to Veracruz and three for the causeway from Mexico to Acapulco (1842). Thereby they pretended to render possible the establishment or conservation of the communications diminishing their cost and to improve the moral and material condition of the convicts although in the *presidios* they only cared to make them work and mutinies and evasions, even in mass, were frequent events. In 1843, the main *presidios* were submitted to regulations with the aim to introduce therein order and security and to make the work more fruitful.

12. From the year 1840 onward, the jail reform movement became accentuated, Government and some private persons showing a special endeavour to forward the work. In that year it was decreed that all the jails in the Republic were divided into departments for solitary confinement, for arrestment and for convicts and that every prisoner should be busy in some art or trade. In 1841 the municipality of Mexico planned the construction of a new jail, stimulated and propped by the Home minister Gomez Pedraza, and the Organic Bases, of 1843 sanctioned the precept that the jails ought to be disposed in such a manner that the place of detention was different from that of prison.

In view of those facts it is easy to be imagined what must be the state of the prisons, since even their division into the departments required by the most elementary order was to be imposed by decree and even by a fundamental law like the Organic Bases; but all doubt vanishes before what the minister of Justice said in 1843 as a reason for his disposition that the doomed in first instance should be directly destined to presidiary labours or those of public works: «Maintaining the said convicts in prison while their cause is being substantiated and determined at the upper courts produces no other effect than to increase the sufferings of these wretches and their total demoralisation, whence the constant attempts at evasion from the prisons and many other excesses rendering them useless and noxious members of society.»

13. In 1841 Emmanuel Edward Gorostiza schemed to establish a house of correction for minors and at the beginning of the following year Government approved his regulations in the part referring to the

authorities and the courts, and the institute began working on February 27th 1842. The most scanty statements kept regarding the same let us understand the work was of an exclusive personal initiative and the support Government lent it was limited to considering the house of correction an official establishment, without granting a subvention. This establishment is not likely to have subsisted long, for very soon after its foundation is mentioned, all track thereof is lost in the public archives; but even so it is worthy of mention and encomium for having been the first essay of a penal institution which, going further on than a mere keeping of the transgressor of the law, endeavoured to obtain his emendation and correction by means of a morally educative system.

Rather than an actual repressive penal institution that establishment was a house of correctional edu-



Mexico. — Present view of St. Francis streets

cation for forty minors whose age of ingression must not exceed thirteen years and whose permanence ought not to be less than three years, «for in a shorter period,—the Regulation said,—there was not time enough to correct the youth by means of a religious education, or to teach him how to read, write, reckon and practise a craft.» When set at liberty, the licenced were to receive 10 per 100 of what they had earned by their labour, which sum, at the rate they were earning it, was to be deposited in the savings-bank of the establishment. At the same time as minor offenders, merely vicious children might be admitted at the petition of their family and with the previous permission of the authority.

14. In 1843, a new effort was made to organise the prisons of Mexico by means of a contract for the exploitation of the workshops in the main jail, that of the ex-Acordada.

After establishing that the detained would reside at the City jail (the Diputation), the ex-Acordada being reserved for offenders formally arrested and doomed to jail service, while those sentenced to penal servitude in the *presidios* or at the public works were to live in the prison of Santiago Tlatelolco, the Regulation issued by the ministry of Justice disposed that all formally prisoners ought to labour at the workshops of the jail unless they paid two reales (one shilling) a day, and that, those workshops being contracted, all the expenses for utensils, tools and raw materials should be at the charge of the contrac-

tors who also had the direction and management of the work, the jail affording the handicrafts of the prisoners. The overplus, after the contractors had recovered their outlay, should be distributed so that the contractors got 20 per 100 and the remaining 80 per 100 belonged to the jail to constitute a fund destined for the food and clothes of the labouring prisoners to whom the eventual surplus would be handed when leaving.

The prisoners were to be divided into groups from 30 to 50 under the immediate vigilance of one of themselves to be replaced every month.

The same Regulation created a Jail Inspection Board composed of the Prefect of the Department of Mexico, a judge of the Criminal Court and an alderman of the town-council to be replaced every two months.

Although a contract was signed for the establishment and working of the workshops (for joiners, shoemakers and tailors among the men and for laundresses and seamstresses among the women), that government effort proved as sterile as all the preceding ones and most of the following ones and not long after we find it stated in the public documents that there existed no workshops nor was any other disposition of the Regulation observed, the jails continuing in the same shapeless and chaotic state as before the attempt of 1843 had been made.

15. About the same epoch, the States of Jalisco and Puebla began to construct their penitentiaries and Ignatius Trigueros did the like at Guadalupe Hidalgo, for the Federal District; but this last enterprise was wholly abandoned, there not having been preserved either a material track or a precise record.

The most important progress was undoubtedly the decree of October 7th 1848 issued by general Congress on the initiative of the Home and Foreign minister, Marianus Otero, establishing in the Federal District and Territories the penitentiary system and ordering the necessary settlements to be constructed for the arrangement of the prison department. According to this, distinct buildings were to be erected for the detention and prison of the impeached, for the correction of youthful culprits, for the reclusion of the convicts and for the sheltering of the liberated after their prison or reclusion; the system adopted was that of Philadelphia and the detained, prisoners and convicts were not to meet even for work, religious acts or exercise; all would be given work and books to read, and primary instruction to those who had not got it, allowing them frequent communications with their families and other free persons.

To insure the practical efficacy of the decree the same established as funds for the construction of the buildings all the sums owed by the Government to the jails of the Federal District and Territories (79,000 pesos for capitals and 118,000 for revenue) one third part of whatever Government owed to the municipalities, the surplus of St. Charles lottery and the value of the buildings of the ex-Acordada and of the Recogidas, offering moreover to assign other funds.

The same decree created a *Prison Managing Board*, intrusting the same with the administration of the funds, the direction of the constructing works and the direction and inspection of the establishments to be founded.

Minister Otero's initiative, a remarkable document for the science it reveals and for the principles that guide it, was the first official exposition of the penitentiary system and paints with very dark and nevertheless quite exact colours the frightful state of the Mexican jails, as uncouth and monstrous hoardings of people where not only decent life but even mere material existence became impossible, for the prisoners wanted the necessary space to stretch out for sleep and sometimes died asphyxiated by agglomeration. After the statements of that initiative the three jails of Mexico had happened to contain up to 1,600 prisoners including some of the State of Mexico; later on they had become reduced to somewhat over 1,000 and in 1848 they were 530, for most of them had made their evasion when the North-American army occupied the town. The expenses of the jails, limited to food, salaries of the employed, lighting and masses amounted to 60,000 pesos a year.

16. In 1850 a small penitentiary in the ancient building of the Recluse (1); however its importance must have been very scanty and its duration very short, for neither in the official documents nor in the chronicles a noticeable mention thereof is to be found and this authorises us to think it was, like mister Gorostiza's house of correction, an attempt without consistency or actual result.

17. In virtue of the decree of 1848 and on the very day it was sanctioned, a convocation was issued for the formation of the plan of the «jail for detained and prisoners» that ought to contain from 500 to 600 cells; but so disposed that a third story might be constructed if necessary.

More or less directly related with that convocation, three penitentiary projects were formed about that epoch by the architects Joseph M. Bezossi, Lawrence Hidalgo and Henry Griffon. The first was based on the Auburn system; the second followed that of Philadelphia, traced in a radiant form, was of a remarkable architectonical beauty and fittingly combined the conditions of salubrity, security and facility of vigilance, having deserved, in 1850, the approbation of the Jail Directing Board. Griffon's project which later on was definitively chosen by Government was of large proportions as for the number of cells and was begun to be constructed on the premises called the Egido's (between the causeway of that name and the Reform's, at the west of the street still called Penitentiary Street); but may-be the magnitude of the work, on one side, and certainly the want of resources, on the other, caused the work to be paralysed when hardly two thirds of the foundations had been constructed for the circumvallation wall, all then remaining in the category of a mere project once more.



State of New Leon.—Monterrey penitentiary

18. About the same epoch (1853) an inspector general of the town of Mexico's prison houses was created, to have care of the government and administration of the jails with entire independence on the Town-Council, this branch ceasing to have the character of a municipal office. Being a work of General Santa Anna's reactionary Government, that system disappeared with the triumph of the Ayutla revolution and, in 1855, the jails came once more under the Town-Council's management, the former laws becoming reinforced.

19. But albeit the jail reform movement never ceased to advance, General Comonfort's government and the Constituent Congress of 1856-1857 continued considering that work of urgent necessity and thus, in the administrative order as well as in the legislative, they dictated the measures they considered most efficacious to arrive at the purposed aim although a third of century was still to elapse before the results could show a perceptible importance.

In the concession bestowed on Mr. Anthony Escandon for the construction of the railway from Mexico

(1) This building which now forms part of the Military Hospital of St. Lucas was situated at the east of the Recluse lane, to-day shut, which communicated St. Lucas square with Garrapata street.

to Veracruz (1857), the enterprise was laid under the obligation of constructing a penitentiary at Mexico within the lapse of six years. That stipulation never came to have any practical effect: the penitentiary was not even begun and the engagement of the enterprise disappeared from its contract before the construction of the railway was undertaken in a formal manner.

20. The Constituent Congress relationed the abolition of capital punishment for common crimes with the establishment of the penitentiary system and in article 23 of the Constitution of 1857 it ordered the administrative power to be charged to establish that system as soon as possible, the pain of death being applicable meanwhile only to the betrayer of his country in a foreign war, to the highway man, to the incendiary, to the murderer with perfidy, premeditation or vantage and for the felonies in military matters or piracy.

The constituents appeared unanimous about the convenience of abolishing the pain of death and so they abolished it at once for political misdemeanours; but as for common crimes, the state of the jails seemed to request necessarily a delay, because they saw that if law renounced to that pain without the existence of severe prisons and capable of obtaining the correction of the culprits, society would remain quite disarmed in her struggle against crime.

Although the constitutional text was certainly ambiguous and confused giving rise to discussions when the question was to apply it, its natural effect must have been that the Federal Executive and the governments of the States, the former regarding the District and the Territories and also respecting the criminals doomed by the Federal courts, and the latter in each federative entity would procure the establishment of the penitentiary system, building new edifices or adapting the existing ones to the needs of that system, or else, organising and regulating their prison houses in the sense that they were no longer jails in common, in order to become moral reformatories by means of the working system, the communications and remaining acts of the life of the confined. The penitentiary system, although it is true it needs adequate edifices to be carried to the utmost degrees of development, does not consist only in the edifice, but more than therein, it consists in the general tendency towards the amendment and correction of the confined by means of their individual treatment. To be sure, this prison reform might have been made with but a small expense in relation to the social result that would have been obtained, had Government counted on some degree of political tranquillity and if society had placed at the service of that work a group of men of heart and good will. But all the national energies were consumed and exhausted in the political agitations and the tremendous struggle that envolved the country since the Constitution was issued until the definitive establishment of the Republic hindered any advance to be made in the jail reform.

21. In 1862 the notorious insufficiency and the utterly bad state of the Ex-Acordada jail, as well as the circumstance that the town had extended toward the west leaving the prison house on a spot that began to be central and was already much frequented, at the entrance to the most important walk and very near the Alameda, made people seriously think of its translation. At the petitions of the Town-Council it was granted in payment of a part of what Government was owing the same, the edifice of the extinguished College of Belem with the annexed exercise house, estimated at 161,776 pesos; and after the execution of the most urgent works to convert it into a prison house the jail was transferred there on January 22nd 1863 and the Ex-Acordada was shut. Ever since Belem has been the chief prison of the town; it has suffered numerous transformations both in the material part and in its organisation, but never that old college for girls and reclusion has become a somewhat secure prison and adequate to its aim. Called at first *National Jail*, then *Municipal Jail* (since 1887) for having been dependent on the Town-Council being sustained with funds of same, it is now the *General Jail of the District*, since September 29th 1900.

On October 15th 1886 they incorporated therein the *Town Jail* established till then in the Deputation and named *Confined Jail*, which was totally refounded in the Municipal jail as a mere department thereof, on October 15th 1894, but was anew separated on September 29th 1900, again with the name of

Tuven Jail, but exclusively destined to the responsible for police faults and no longer for the detained at the disposal of the judicial authority. This jail occupies the southern part of the edifice that was the former exercise house of Belem.

22. Before referring to the last period of our history we must formulate a general remark on the whole anterior epoch.

There were two perturbing elements in the repression of crime and therewith in the function of the penal establishments, the existence of penal servitude and public works and of military service, and the participation which the political factions and sometimes even the constituted authorities themselves gave the confined in the political revolts, drawing them out of the jail to make them soldiers.

The condemnation to penal servitude or to public works, accepted formerly even by the most cultured nations and which happily to-day is effaced from most legislations, the Mexican among them, rendered unnecessary the strict and disciplined organisation of the prisons which could be reduced to galleys where the culprits passed the night and in this sense it hindered, especially in the colonial epoch, the jails to acquire the form and conditions required by penal law.

A far greater evil was the consignment of the convicts to military service, custom having its origin in the same colonial epoch, but which, limited then to the vicious and vagrants and never extended to the criminals properly so called, became generalised after Independence, sometimes within the law but nearly always without the same, which rendered it still more perilous, because it gave it for a base the arbitrariness and caprice of the political leaders and other subaltern authorities. Converting military service into a penalty has doubtlessly been one of the causes that most perturbed the social order: crime has not been repressed as it ought to be nor could the army deserve the respect or acquire the prestige claimed by its lofty aims.

But there has been an evil of still greater transcendancy: beside the levy and as a quicker and more efficacious means, taking the confined out of the jails, granting them thereby a tacit amnesty of their pain whatever it might be, has constituted the means of military recruitment. From the outcry of Insurrection to the last pronunciamientos, that of the Mexico Citadel in 1871 included, the leaders of the rebellion ventured to free the convicts in mass and to arm them, in order to lead them to combat. And so it was done as well for the most vulgar and despicable mutinies and pronunciamientos as for the most transcendental revolutions and by the men of all the parties and sometimes even by the governments themselves when the necessity of fighting became urgent.

The profound revolutionary perturbation and the deep disorganisation of all the administrative services were also a cause for setting the prisoners in liberty and voiding the jails, because authority lacked the necessary funds for feeding the confined having the option between the extremes of letting them



State of Coahuila.—Saltillo penitentiary

starve to death or turning them out in liberty leaving them unpunished. The sadness or rather the horror that strikes the soul when remembering such facts destroying all social order, cannot be vented but by cursing the revolts and by an immense and inmost longing for order and peace enabling the people and government to perform their duties.

23. The restoration of the Republic was immediately followed by new exertions in behalf of the jail reform and the establishment of the penitentiary system.

In October 1868 Congress resolved the Home minister should inform within the term of a month about the time and the elements Government needed to establish that system in the District and in Lower California and to address a circular to the States wishing them to consult the legislatures regarding the time when they would be able to instate the system.

In November of the same year, as a result of the resolution of Congress we have just referred to, the body of professors of the department of Architecture at the School of Fine Arts,—formed by Vincent Heredia, Emmanuel Rincon, John Agea, John Cardona, Joseph M. Rego, Eleutherius Mendez and Anthony Torres Torija,—presented a project of a penitentiary for the Federal District, wherein, combining the Auburn system as a means of correction applicable to most confined with the Philadelphia applicable to graver crimes and especially as an element of discipline of the former, they reckoned 800 cells for men and 400 for women of that system and 200 for men and women of the latter making a total of 1,400 cells. The disposition of the edifice, according to its authors, allowed it to be watched by 50 gendarmes and its budget amounted to 1,146,000 pesos, if it was to be built in the town of Mexico and to 700,000 only if it was constructed in the neighbourhood of Guadalupe as the Board of professors recommended.

In order to facilitate the States the construction of their penitentiaries, the Federal Government manifested itself disposed to yield them convents of national property and several of these yieldings were carried into effect.

In 1871, the Home minister, Joseph M. del Castillo Velasco, introduced a bill that Congress might destine during four years a sum of 200,000 pesos for the construction of the penitentiary, this establishment remaining at the charge of the Executive, in conformity with the constitutional precept.

All these works were directly relationed with the abolition of the pain of death, the penitentiary system being considered apt to produce the correction of the convicts and to save many men from the gallows and return them as useful and honest citizens amid society.

24. In this situation they sanctioned the Penal Code formed by eminent Martinez de Castro, a work which, notwithstanding its drawbacks and deficiencies revealed by a thirty years' practice continues being a monument of legislation. Its author, contrary to the dominant ideas, sanctioned the pain of death considering it an ineludible necessity even supposing there existed the penitentiaries and he established a system of penalty in which privation of life figured at the side of prison in a penitentiary; he organised this penalty following, as in many other matters, the ideas of the celebrated French penologist Ortolan, rejecting both Auburn's and the Philadelphia system and establishing the constant separation of the confined from one another and their ample communication with persons apt to instruct and moralise them, for which purpose he established a board called *Convict Protector Board*. He founded preparatory liberty (*libération conditionnelle, ticket of leave*, based on the good behaviour during a lapse of time equal to half the sentence revealing repentance and amendment, preceded by an intermediate degree of prison destined for a transition measure; he distributed the produce of the convicts' work among improvement of the prison houses, the payment of civil responsibilities and the constitution of a reserve fund to be received with the ticket of leave and in general terms he organised the penalty of prison in all its parts and on the base of producing the convict's moral correction, without conceiving exaggerated hopes of good results. He availed himself of all the teachings of the science of that epoch and he even did more: in some matters he advanced upon the European legislations and accepted, or at least outlined ideas which in later years have been sustained and developed by the most distinguished criminologists.

If the precepts of the Code had been enacted at once, the criminality in the District, whose rapid

increase was positively astounding, would have been detained in its ascent, at least partially. At any rate, the bad condition of the jails was improved to a certain degree by the fulfilment of some of the transitory dispositions of the Code; the Jail Vigilance Board was created, presided over by the alderman of the department and formed by eight members named by the minister of Justice; the monthly and methodical qualification of the conduct of the confined was instituted, the application of the disciplinary punishments was normalised, and an element of order was introduced into the prison houses whose work has continued advancing from day to day (1).

Thus the Penal Code was an element of slow progress, but not of immediate result for the prisons. Its precepts, although enacted at once, were not fulfilled in practice, because of the lack of adequate edifices and of elements for their immediate construction; but even so, they produced a great good: they were the living word of progress written in the law and the reprobation of the existing which now remained vitiated as illegal. The enforcement of the Code that for its exact application required the existence of cellular prisons, was for everybody a new motive to work on behalf of the Reform, hence arising a new and fecund movement initiated as soon as the Republic had gone through her last revolutionary crisis.

25. The Government emanating from the Tuxtepec revolution being but just established, the ministry of Justice entrusted to eminent Ignatius Ramirez, dictated some measures for the establishment of a penitentiary. Considering it urgent and not disposing yet of plentiful funds, they did not think of raising an edifice from the foundations, but of adapting some of the existing ones that by means of some expenses of small amount might offer the conditions of sufficient security and of a passably appropriate distribution.

To that effect, as a means to abolish capital punishment and to fulfil the constitutional precept, it was disposed in 1877 that the federal fortress Perote, in the State of Veracruz, should become a penitentiary establishment, having a department of solitary prison for the incorrigible and another for the remaining culprits so that they might get instruction and consecrate themselves to some productive work. While exhorting the States to terminate their penitentiaries being building, Government requested those States where no such buildings were begun to contribute in the edification of Perote where their confined would be admitted. The quiet and regular practice of the federal system that had not been able to act during the epoch of the revolutions, has made us better understand the principles ruling the same and the consequences deriving therefrom and now nobody would think of gathering in one sole prison criminals of different federative entities sentenced according to different laws and by divers authorities; but in those days when, indeed, the nation hardly began to enter into the practice of her institutions, no inconvenience whatever was felt in such a fact, or at least it was not considered of sufficient importance to renounce an element favourable to the success of the work.

Ere long it became clear that the distance separating Perote from the town of Mexico, its isolation and the necessity of a strong custody, opposed the realisation of the initiated idea no few difficulties and they thought of adapting some other edifice to a penitentiary and for that aim the former seminary and convent of the Jesuits at Tepotzotlan in the State of Mexico was reconnoitred (1877) by general Echeagaray, a man versed in jail matters and who had been in charge of the Salamanca prison (Guanajuato). He found the edifice in good conditions of ampleness and conservation to be adapted in less than a year and with a cost of from 30,000 to 35,000 pesos, to establish «a mixed penitentiary system of the cellular

(1) The income of the Mexico jails has been during the quinquennial periods: 1876-1880, \$ 32,200; 1881-1885, \$ 35,000; 1886-1890, \$ 44,800; 1891-1895, \$ 46,800; 1896-1900, \$ 49,500, as a yearly average. In 1901 the total rose to \$ 58,000.

The number of confined in those jails which in some of the last years had risen to 4,000, has now an average of 3,300. At the middle of the XIX century it did not exceed 1,000.

Thus the ascending course appears clearly marked.

and congregate order, which is the most convenient for the character of our criminals, the former serving as a positive punishment and an efficacious resource against the misdemeanours of the convicts and the latter as a premium for constant good conduct and a way for moral reform.» But also this time nothing available was arrived at and the wish to give the problem a better resolution was the cause why the execution of the works was not determined.

Some what later (1879) the engineers Rivas and Plowes formed a new penitentiary project, containing a department for arrest and another for prisoners in custody with premises for courts of justice, so that it would rather be a general jail than a penitentiary. The project was examined by the Secretary for Justice and the Jail Vigilance Board and was not thought apt to be approved for the reason that it united departments that ought to have their own edifices.

In 1881, Lic. Anthony Medina y Ormaechea helped by his brother the engineer Charles, formed another project which was published with an extensive memoir and accompanied with the bases for the organisation of an anonymous society to contract the construction of penitentiaries throughout the Republic doing the works for her own account and under the inspection of the governments which when they received any of the departments constructed would pay the invested sum and its interests. The project of the edifice comprised, besides the penitentiary property so called,—ordinary prison for adults,—other departments for arrest (from three days to eleven months), for reclusion of penal correction (for culprits above nine and under eighteen years) and for correctional education (a preventive measure for minors of fourteen years having offended without discernment); so that four departments were purposed for men and the same number for women. The project was quite adapted to the dispositions of the Penal Code of the District whose penitentiary system was considered irreproachable by the brothers Medina who employed the greatest perseverance in the service of their idea; nevertheless, they had not the satisfaction to see their initiative seconded by the public or the governments, their project being that which closed the series of those which remained unexecuted as mere preparatory studies.

26. Before beginning to relate the facts constituting the last period of the evolution of the penal establishments, that of their organisation under a systematic and uniform plan, we must mention the efforts tending to create an establishment for the correction of vitious or offending minors.

After the attempt of Mr. Gorostiza, nothing particular has been done in this respect; during a long period the minors were confounded with the adults in the common jails where at the best they had a department somehow separated from the rest, but never being freed from the shame and contagion of the inveterate criminals; or they were secluded, if they were not offenders, but merely vitious, in the beneficent institutes for orphans or unprotected children which produced the detestable result in public mind of a confusion between an act of philanthropy and the repression of crime. During many years the perverted or degenerate sons of good families found an asylum, by way of punishment, in charities and preferently in the Teopam of Santiago, establishment founded for that aim in 1850, but which soon was converted into an Industrial school for orphans, correctional education remaining as a secondary purpose; so that in the same manner as formerly in the department of the charity house, the confined for correction brought the asylumed for need a new germ of corruption, besides those they might already have through the moral and material abandonment of the family preceding as a rule the admission into such establishments.

This practice, may be, was the cause thus the administration of public charity instead of that of the prisons, cared for the creation of a house of correction. It did so in 1880 founding at the *rancho de los Padres Camilos de de Momoluco*, at Coyoacan, a *Correctional education School of practical agriculture* destined for the responsible minors to suffer their penalty and for the preventive education of those who had committed a fault without discernment.

But a few years did that school exist and under Dr. Fernandez's rule of the District it was transferred to the former convent of St. Peter and St. Paul, at Mexico, becoming instead of agricultural, industrial as it is still subsisting at present.

27. The origin of the Mexico penitentiary in actual service dates from the year 1881 when Dr. Raymond Fernandez, governor of the Federal District, named a special commission empowered to propose the reforms of the Penal Code they might consider convenient (1) and which presented its work at the end of 1882, proposing that in view of the advancements manifested in the penitentiary congresses held after the promulgation of the Code the system thereof should be changed or rather modified in the sense of giving the fundamental principles that formed its base a greater development accepting that of the system tried in Ireland by the celebrated captain Crofton and afterwards adopted in other countries and advising, in sum, the adoption of a gradual and progressive prison system wherein the rigour and duration of the penalty, within certain limits, depend on the conduct of the convict who, giving proofs of amendment and correction, may alleviate his condition of a recluse and even reduce his prison almost to half the time stated in the sentence, by means of a conditional and revokable liberty (*preparatory liberty*), or render his situation harder and even increase his condemnation in a quarter if, on the contrary, he proves contumacious.

As for the architectonic project, exclusively due to Mr. Torres Torija, it somewhat followed that formed in 1868 by the body of professors of the School of Fine Arts wherein Mr. Torres had also collaborated; however, he notably improved the disposition of the halls arranging them so as to render vigilance easier as well as the distribution of the workshops and court-yards of exercise. The project was published in plans at a large scale and preceded by a report wherein the Commission explained the reasons on which it founded its opinion and ended with a bill of reforms to the Penal Code.

In 1885, when General Ceballos who had been a member of the Commission was intrusted with the government of the District, he obtained from the Home Secretary the approbation of the project and the resolution to begin the construction of the edifice destined for men, with 724 cells. After choosing the spot in the pastures called of St. Lazarus, at the east of the town, the direction was confided to the military engineer General Michael Quintana and the works were begun, the cost being defrayed by a part of the impost laid on the gambling houses. The first story of cells and the departments of direction, workshops, sick rooms, etc., having been constructed by administration, the second floor of cells was unattracted with a North-American firm which employed steel as main building material. The most difficult part of the work, to be sure, was the foundation, because of the slipperiness of the ground and also perhaps by a mistake having been committed laying the foundations too deep by the very wish of giving the edifice great solidity. The subsidences observed since the very beginning of the construction rendered necessary, to assure the stability of the edifice, new works consisting especially in inverted vaults in a large part of the lower floor, considerably increasing the cost and preventing the later construction of a third floor of cells to augment the capacity of the edifice and obliging to reduce to two floors the height of the salient body destined for the services of direction and management.

The construction having been concluded by the civil engineer and architect Anthony M. Anza, in 1897,



Yucatan.—Mérida penitentiary

(1) That commission was formed by the President, Lic. Joseph M. del Castillo Velasco and the members: General Joseph Ceballos, Lic. Michael S. Macedo, Lic. Lewis Malanco, Engineer Anthony Torija, Engineer Remigius Sáysago, Engineer Francis Vera, Mr. Augustin Rovalo, Lic. Joachim M. Alcalde, General Peter Rincon Gálardo; and the secretary, Lic. Josep I. Limantour.

the penitentiary, notwithstanding, could not immediately be set in work, because its sewers being connected with the Great Draining Canal of the Valley it was necessary to wait till this was set a going. When the penitentiary was drawing near its termination, they introduced into the Penal Code the necessary reforms to bring the legal prison system into concordance with that the project was based on (Decree of September 5th 1896), *preparatory liberty and retention* (diminution or augmentation of the term of penalty according to the convict's conduct) were regulated anew (Decree of December 8th 1897) and considering the inauguration of the new establishment constituted a propitious opportunity for the reorganisation of the remaining prisons of the District and still more, thinking the penitentiary could not yield all the good fruits that were expected therefrom, unless some order and discipline were introduced into the other penal establishments, they prepared that reorganisation whose bases were settled by the decree of December 13th 1897, issued by the Federal Executive authorised thereto by the act of Congress of May 29th 1897.

28. Such was the situation when the Valley drainage works being ended and set at work, they fixed the 29th of September of 1900 (decree of the 19th of that month) as the day for the inauguration of the Mexico penitentiary, after issueing the General Regulation of the Penal Establishments of the District and the penitentiary's special regulation (September 14th), both to enter in force on the same day September 29th.

The penitentiary being solemnly inaugurated on the designate day, the new system was set in force since then; the Belem Jail lost its municipal character and became the District's General Jail for prisoners in custody and for those sentenced to arrest or prison for less than three years; the Mexico Town Jail was reestablished for offenders of mere police faults, thus becoming unified for the first time under a systematic regulation all the prisons of the District, comprising besides the mentioned three Mexico ones, the detention jails in each of the foreign municipalities, the municipal one of Tlalpam, being of an intermediate importance between the general and the detention jails because in that town there exists a court of first instance with penal jurisdiction and a house of correction for minors subdivided into two departments respectively destined to correctional education and to reclusion of penal correction. The anthropometric identification system (Bertillon) became planted in a regular manner, in the general jail and the archives as well as the jail statistics were subjected to new and uniform rules apt to leave those services founded on bases in conformity with the present state of the science.

Certainly, the practice of the new organisation has not failed to stumble on serious difficulties mostly proceeding from the want of knowledge on the part of the foreign municipal authorities, of some defects in the administration of penal justice and of the lack of an instructed and moralised personnel for the jail service; but on the path of enlightening and moralisation the country has entered upon, such inconveniences will soon be overcome and every day the jail service will be better, without needing anything else than the exact application of the rules set down in the disposition, that are in force.

29. In the same manner as Federal Government, those of the States em eager endeavour in the resolution of the jail problem and several of them obtained practical results sooner than the Federacy, although those attained by the latter are more perfect and complete.

It is since many years ago Jalisco has its penitentiary at Guadalajara (1840), Guanajuato organised those at Leon and Salamanca, and Puebla set at work hers which, certainly is the best of all the local ones. Later on, New Leon built the Monterrey penitentiary and at present those of San Luis Potosí and Durango are building.

Those penitentiaries are, as a rule, general prison houses destined both to the preventive reclusion of the indicted and to the extinction of the penalties and are organised on the base of the prisoners communication during the day and separation during the night although in some of them the lack of the number of cells necessary to keep every confined isolated causes several to be united in the same cell or to be shut up in extensive galleys; so that it cannot properly be said an actual penitentiary system is reigning there and they must be considered well arranged jails of the regime in common, and far distant

from being, as the old ones were, mere hacinations of men under gratings and walls of sufficient strength to prevent evasions by violence.

The Puebla penitentiary as we have just stated, is the best organised both as for the nightly separation of the confined and as for the regime to which they are submitted, especially regarding work organised on such bases that all the confined have their occupation. The Salamanca one has also been remarkable for its good regime and arrangement, partly due to General Echeagaray who had charge of it during a long period.

30. The prison houses of the District and the Federal Territories, although organised in conformity to the local laws, serve to receive the prisoners in custody or sentenced by the Federal Courts in those demarcations; but in the States those individuals are consigned to the common jails; the Federacy indemnifying a daily quote for every person, an expedient that cannot but suscite grave difficulties as soon as the legal regime and the practice of the institutions will have become normalised and extended over all the orders, for then it will be seen how grave the irregularity is resulting from the reclusion of federal convicts in jails whose regime is not concordant with federal penal law and where therefore the Federacy sentences cannot be exactly executed.

As for the military, besides the Santiago prison, at Mexico, a jail in common without a work system nor the separation of the prisoners, they have preserved the Ulua penitentiary, in the State of Veracruz, a pretty rigorous and secure jail where the confined are made to



Mexico.—Façade of Belem jail

work in the workshops of the National Arsenal and where they receive not only convicts judged by martial courts but also the most dangerous of the District and the Territories as well as of the especially those pardoned from the pain of death. The mortiferous clime of the coast sometimes executes, by means of yellow fever, that pain among the doomed choosing its victims without the reasoned and serene criterion that ought to preside over any executions. Hence this bridewell is so much feared by criminals.

31. As we have stated before, the establishment of the penitentiary system was relationed, in the conception of the statesmen of Mexico, as well as of other countries, with the suppression of capital pain abolished by the Constitution of 1857 as soon as that system would be enacted.

Before attaining this result, ideas suffered a deep modification and although the question of the capital pain has continued rousing in the minds a palpitant interest and kindling warm enthusiasms, the more reasoned and practical study of the social phenomena has cooled down those enthusiasms bringing government men the conviction that in society's struggle against crime, the pain of death is a weapon it would not be prudent to miss, the foe being a terrible one and not always vanquished but often victorious in spite of the energies employed by society in its defence. Hence the reform of article 23 of Constitution, sanctioned in 1901 by the initiative of the Nuevo Leon legislature in the sense of allowing the application of the pain of death to the gravest crimes of the common order, even when there already exist penitentiaries.

CONCLUSION

A few words will be enough to make a synthesis of what we have been relating. At the colonial epoch the penal establishments had nothing remarkable; but they satisfied the needs which, as a rule, were not urging since the notorious deficiencies of police and penal justice had the effect that offenders were caught only in a small proportion, so that the jails never had to contain many prisoners. As soon as the Acordada Court came to fill the void felt before, and offenders were detained in a considerable number and doomed to long penalties, the necessity of well arranged jails made itself felt and then the best of the colonial prisons was erected which, although no model nor anything in advance of the ideas of that epoch, was at least a sure prison and of the usual conditions of that time.

Independence produced in the prison department the same perturbation as in all the others and the period of anarchy, passed through by the country with its ineludible consequence of abandonment and disorganisation of all public administration, made itself deeply felt in the jails in spite of their reform being a constant endeavour of rulers and ruled. But the want of quiet and pecuniary resources caused all the efforts to be sterile and all the projects to miss, until the Republic firmly entered the path of peace and order. Before the government of General Diaz all was preparation and only in the last years of the XIX century a positive progress has been obtained, very small, to be sure, in relation to the work of arrangement and organisation of all the prisons in the country, but marking a firm step resolutely made on the good way. Much remains to be done: nearly all the material work and not a little of the moral and intellectual one; however, the way is known now; the first penal establishments, mounted in conformity with the principles of science are already working and their example is sure to be followed throughout the country.

The social importance of the jail reform will never be exaggerated. The punishing function of the State that can do so much on behalf of social morality when it is guided with knowledge, conscience and uprightness, and that causes so many and so deep evils when it is ill guided or acts under the power of immorality, is certainly one of the first elements of social order. And as long as the reclusion places for the convicts are not disposed in such conditions as to prevent them from being corrupted or degraded by their permanence therein; as long as they are not oriented both towards repression and moral amendment, it will be useless to improve police, to make the courts act correctly; the repression of crime will continue being an unresolved problem. To be sure, prisons are but one of the elements to resolve that question of vital importance for society; beside them there ought to figure many other institutions, rather preventive than repressive, may be; but at any rate, during many years, perhaps centuries, they will continue being necessary in the struggle of right against wrong, and ill organised they will be hurtful and counter active instead of useful; they will not correct nor frighten, but they will continue being foci of moral infection, not only degrading those who enter into their inclosure; but making of each of them, when devolved to liberty, a herald of evil and a living example of public power's and society's impotency.

PUBLIC CHARITY

1. Multiple and extremely varied are the manifestations of the natural sentiment of pity nourished by the human heart and which as a necessary base for society's existence irresistibly leads us to alleviate the sorrows of others, either vowing ourselves to their service or depriving ourselves for their benefit of a part of our riches. The history of the manifestations of that pious feeling in Mexico forms the subject matter of the present study that is to comprise, albeit in a swift synthesis, the evolution of beneficence or charity exercised in a regular and systematic manner by the State, the corporations or foundations.

Thus we shall not be obliged to limit ourselves to the so called public charity for being ministered or managed by government, but we must present, or at least attempt at doing so, that social phenomenon in all its complexity.

THE ORIGINS. COLONIAL EPOCH (1521-1821)

2. The conquest cast the indigenous mass into a frightful misery. The Indian, seeing his former mode of being wholly destroyed, without personal landed property and submitted to the commendam, found himself deprived of all and his state offered a vast field for the pious men who followed the conquerors from near to exercise upon him their evangelical charity. Thus, the first benefactors or philanthropists of New Spain were the monks and the bishops; apostles of the new faith, of a religion of charity and love, they brought the subjugated race everywhere their consolation and at the same time as they endeavoured to infuse in their souls the new ideas and in their hearts the new feelings, founding therefor institutions like the College of St. John of Lateran (friar Peter of Gante, 1529), the College of St. James Tlalotelco and numerous schools annexed to the convents, so also in the physical order they wished to free the Indian from diseases and misery, either by means of permanent institutions destined to satisfy the ordinary needs or by special efforts of a transitory character whenever an epidemic or a public calamity broke out.



Mexico. Facade of St. Andrew's Hospital

Zumárraga and Quiroga founded the first colleges and hospitals destined for the Indians,—at first the conqueror needed no succour,—and they initiated immediately after the conquest of this country the era of charitable foundations.

3. The civil power, the King, also, took part in alleviating the sorrows of the conquered, as we shall see, and in different forms he endeavoured to succour him either recommending the foundation and maintenance of education colleges for Indian girls (schedule of 1612, law 19, tit. 3, book I, Rec. of the Indies) or destining some quantities at the charge of the royal treasury, for the foundation of charitable establishments, directly depending on the authorities and administered by them. But it must be stated that with a correct criterion and a clear notion of public power's functions the sustainment of the charitable institutions was not commended to the municipalities nor was a special administration for them created; corporations and particulars were allowed to care for them under the patronage of the king or the bishops.

4. For their part, the private persons cooperated at the charity works founding them singly or in small groups or by means of brotherhoods or other forms of corporations. Religious feeling, so deeply rooted in colonial society, was the foremost motive of all the foundations or benefits, to such a degree that, at occasions, it is very difficult at discern what part in an institution properly corresponds to charity and what to religion. There were establishments which, founded with the mere purpose to give the

helpless an asylum were not long in acquiring the character of convents, even against the will of their founders.

Religious feeling became so deeply infiltrated in colonial life that, as it happened with the Vizcainas college, the institutes were given the character of religious ones, being placed under the advocacy of some saint and their management being confided to fraternities dependent on monastic orders, even in the case the founders manifested and maintained with unshrinking energy their will that the establishment should be laical, that is to say independent on any ecclesiastical authority.

5. The first charitable foundations are constituted by: the hospital of Immaculate Conception and Jesus of Nazareth, due to Ferdinand Cortés; that of the Love of God, created for syphilitics by bishop Zumárraga, under the patronage of St. Cosme and Damian that has been suppressed many years ago and whose site is now occupied by the Academy of Fine Arts, that of the Most Holy refounded in that of St. Hippolytus, for demented, in 1861, and the Royal Hospital for Natives, the only one created and directly managed by the authority whose sole purpose was the assistance of the Indians and which subsisted until 1822 when the Regency decreed its suppression considering it useless and ordering the Indians to be admitted into the other hospitals like other citizens; its estates were applied to St. Gregory College. The hospital of Cortés, now known by the mere name of Jesus, counts on proper estates proceeding from the founder, is kept up to this date as a model of order in the service, is managed with zeal by the proxies of the conqueror's heirs and has outlived all the crises suffered by the country, in spite of government's repeated decrees to occupy the grounds (1833) and the claim of some coditious denouncers the funds were comprised in the nationalisation laws.

The hospital of the Most Holy was originally destined for all sorts of diseased; but gradually it was reducing, until it remained limited to insane priests which was its destination when it was refounded into St. Hippolytus.

In the last third of the XVI century Dr. Peter Lopez, a man of great charity, founded St. Lazarus hospital for lepers,—substituting that founded by Cortés at Tlaxpana,—which subsisted until 1862 being afterward called of St. John of God, because it had been in charge of the monks of the order of that name, but which at the beginning was called of Our Lady of the Helpless or of Epiphany.

St. Hippolytus hospitable order was also founded. A man of deep charity and indefatigable zeal, Bernardín Alvarez, consecrated himself to succour the needful and gradually extended his action until he founded the order whose purpose was charity under all its different aspects; for besides St. Hippolytus hospital, at Mexico, which he called general, because diseased of any kind were assisted there, not only the asylumed therein but all who presented themselves, in the lapse of few years he finally had at his charge thirteen more hospitals and established a mule drove travelling periodically between Veracruz and Mexico to transport the poor immigrants. St. Hippolytus hospital has subsisted till this day but not as a general one, having lost that character long ago, but as a lunatic asylum for men.

6. The chief foundations of the XVII century were the Holy Spirit hospital, the Bethlehemites', Saint Michael of Belem's reclusion and college and the Divine Saviour's hospital for insane women.

The Holy Spirit's founded at the beginning of the century by Alonso del Vado and his wife, was placed at the care of the hippolytans and subsisted, although much reduced, until the suppression of the hospitable orders in 1821.

The viceroy archbishop friar Payo Enríquez de Rivera caused some Bethlehemite friars to come from Guatemala in order to found a hospital which was done in no time (1675). That institute subsisted with a school annexed to it until the year 1821 when it was closed in consequence of the execution of the decree of the Spanish Cortes of 1820 regarding the suppression of the hospitable orders whose charity houses ought to remain at the care of the town councils according to the Constitution of 1812.

The college for girls and reclusion of Belem was founded by the priest Dominic Perez de Barcia, its main purpose being education. The building it was settled in is now occupied by the General Jail of the District.

VOL. II.—PART FOURTH

Municipal Corporations—Houses of Correction
Public Charity

F. Antony Lorenzana. Bernardin Alvarez
Concepción Béistegui
Ferdinand Ortiz Cortés. Ignatius Trigueros
Antony Immanuel Couto

VOL. II - PART FOURTH

Municipal Corporations - Houses of Correction
Police (Harris)

J. Anthony Lorenzana, Bernardino Alvarez
Concepcion Belategui
Bernardino Ortiz Corrales, Ignacia Trigueros
Anthony Immanuel Corrales



The hospital for insane women owes its origin to an humble carpenter, Joseph Sáyo, who began to gather and assist mad women in his own house whence with the help of archbishop Aguiar y Seijas and later on of the Company of Jesus, an actual hospital was organised that its definitive seat in the edifice built in Canoa street (1700) which in a restored state it occupies up to this day.

In the same epoch, the extinguished hospital of St. Anthony Abbot, for lepers, was founded by the order of the Anthonines.

7. The XVIII century was fecund in foundations. Since the colonial regime became organised and the Government of New Spain constituted, the course of society had been regularised, so that already since the anterior century the needs of a constituted society had begun to be felt, with the disappearance of the transitory necessities of the first decades following the conquest. Thus, then, to judge the actual character of colonial charity we must observe with preference what has been done in the two last centuries of the domination.

In the second half of the XVIII century they founded, besides the Vizcainas College and the Terceros Hospital, the Infant-Asylum, the Pawn-office, the Poor-house and St. Andrew's Hospital, four institutions which by themselves comprise a nearly complete plan of charity.

The College of St. Ignatius or of the Vizcainas, to-day College of the Peace, erected by the natives of Biscay residing in the colony, has for its aim the education and assistance of girls of good families, preferently those descending from Biscayans and has had annexed gratuitous public schools. Endowed with an ample and fine edifice and with sufficient funds it has subsisted till the present, although its estates have sometimes been curtailed by the *compulsory loans* and denounced as subject to the nationalisation laws; however, Government, albeit not always without hesitation, has acknowledged with justice those estates were not denounceable and the College had a perfect right to possess and administer them. The founders had clearly and energetically manifested their will to give the College a laical character, without any dependence on the archbishop or any ecclesiastical court. Its management, according to the primitive constitutions, belonged to the Board and Congregation or fraternity of Our Lady of Aranzazu, dependent on the Franciscan order. This fraternity being extinguished by dint of the Reform laws, the College is now directed by a Board named by Government, and which has always been formed by men distinguished by their zeal and probity.

The Terceros Hospital (1756) was established by the brethren of the third order of St. Francis. Its edifice situate at the corner of St. Elisabeth and St. Andrew streets, entered into the possession of the Nation in virtue of the Reform laws and lastly has been pulled down to construct on the place it occupied a new post-office.

The foundlings asylum, called St. Joseph's house for exposed children or Cradle house, owes its origin to archbishop Lorenzana (1767). At the beginning it was directly governed by the archbishop of Mexico and afterwards by a congregation whose perpetual rector was ex-officio the archbishop. The system adopted for the breeding of the children is a mixed one, for some remain at the house under the care of nurses living therein, while others are yielded to nurses living outside of the house. The foundlings ought to wear the family name Lorenzana in honour of the founder; but most of them, nearly all, do not prove grateful enough to accomplish that precept and adopt any other name. This house aiming at satisfying a permanent social necessity, subsists still to-day constituting the first degree of the cares bestowed on the helpless, for it is the tenderest infants that receive it. When seven years old those children pass to the poor house or to Tecpam.

The Hospice for the poor, founded by the chanter of the cathedral at Mexico, Dr. Ferdinand Ortiz Cortés (1774), was in its origin an asylum for old people and beggars where the viceroys ordered all vagrants about the town to be brought, against whom at all times repressive measures were taken either prohibiting them to station at the entrance of the temples, or disposing they should be led away wherever they were to be found. The purpose to clean the towns of this plague must be extremely difficult to execute, since such dispositions have been a dead letter soon after being issued and public charity has

continued being exploited by subjects who more than needful are lazy and vitious, finding in mendicity the means of maintaining themselves in the easy life of vagrancy and idleness towards which they are pulled by their natural bent not restrained by a severe discipline.

Further on we shall see how this Hospital definitively ceased to serve the purpose for which it was originally constructed. For the moment we shall limit ourselves to state that the form the institution had when it entered Independence and Republic, was given it in 1806, through the foundation made therein, with a gift of 250.000 pesos, by captain Francis Zúñiga, for the establishment of a *Patriotic School* destined to assist poor orphans and give them a christian and civil education, that is, to be an asylum for children which has been the main character of that hospital during the XIX century. In virtue of that donation the institute was regulated anew and divided into four departments: of children or Patriotic School; of old people or asylum for the poor; of correction where minors were admitted for pay and of reserved deliveries destined, according to the rules of government of the house, «to assure the lives of abandoned mothers, of their tender children, the honour of the matrimones, the decorum, peace and tranquillity of the families,» avoiding that «fear, shame or despair, seizing the heart of frail and wanton women after sullyng with their excesses their own reputation, the honour of their matrimones or their families, may induce them to take the most cruel resolutions against themselves and the innocent fruits of their wombs.» Out of this department, in the course of the years, there resulted the present Maternity hospital.

In 1775, business began at the Pawn Office founded by eminent Peter Romero de Terreros, count of Regla, who endowed it with 300.000 pesos and whose purpose is to lend the needful on pawns (1). At the commencement the operations were done without interest, leaving each person redeeming his pawn at liberty to give what he liked to support the institute, but ere long, and considering this system threatened to cause the capital to disappear, because the sums received as voluntary alms, were insufficient to cover the expenses of administration, an interest was fixed whose rate has always been kept inferior than that taken by private pawnbrokers. However, it was not the difference of rate of the tax which constituted the greatest benefit, but the scrupulous probity with which the operations have been done, a probity contrasting with the abuses committed in the mercantile pawnhouses, abuses which the zeal of authority has ever been insufficient to repress. En 1849 they founded at the Pawn Office a Savings-bank that has subsisted until to-day and which, both by our people's lack of custom to economise and for having been considered a department of secondary importance, has never attained all the development to be wished; however, the sums saved, together with the personal deposits, amount to 650.000 pesos. The loans upon pawns amount to three million and a half a year and the institution's capital has risen 1.750.000 in spite of having suffered very strong losses by bad administration at the beginning of the XIX century. Its credit is solidly established in spite of the fact that the character of emission bank they gave it, made it pass, about the years 1880, through a crisis during which it was obliged to stop the payment of its notes, but not the course of its remaining operations. After this mischance, the institution, once more shut up in its true purpose, has liquidated all its passive and continues increasing its capital. It now possesses four branch offices in the town of Mexico. Its organisation in its administrative part is a model of order and exactitude, through the pureness with which the traditional customs of the house have been kept thanks to which it has had since many years a select body of clerks. Its direction, during long epochs, was considered an honourable retreat for men who had occupied the highest political posts and among them who have filled the place, there have been real eminences, like Emmanuel Gomez Pedraza and Emmanuel Anthony Couto who saved the establishment in the crisis that threatened to destroy it when it lost the greatest part of its capital and who, in this conception, must be considered its second

(1) The Pawn Office was established at first in St. Peter and St. Paul's College which had belonged to the Jesuits; afterwards it was transferred to a house in St. John of Lateran street and lastly to Empedradillo House where it still is.

founder, joining his name to that of count de Regla. According to its primitive constitutions, it was under the care of a superior Board formed by the viceroy, the archbishop, the mayor of Mexico, a representative of the founder's family and the director of the establishment. In consequence of the change in the form of government and institutions, that Board is formed at present by the Home Minister, the Governor of the Federal District, the President of the town-council of Mexico, the representative of the Terreros family and the director. Rather than by its written regulations the house is governed by its traditional customs, which sustain it prosperous and strong. Susceptible of a far greater development than it has had as yet, it may expect a brilliant future.

St. Andrew's hospital which for the moment is the general hospital of the town, had its origin in



Mexico.—Façade of the «Beistegui» hospital

the year 1779 in which, the remaining hospitals being insufficient for the assistance of the people attacked by the epidemic of small pox that then made its appearance, the archbishop Alonso Nuñez de Haro y Peralta asked leave to establish a provisory hospital in St. Andrew's college and the annexed exercise house, these edifices being then unoccupied in consequence of the expulsion of the Jesuits to whom they had belonged. The epidemic being passed Mr. Haro proposed the town-council should keep the hospital considering the good results obtained therefrom, but time passing without coming to a resolution, the archbishop himself offered to take charge thereof with the character of a permanent hospital and his offer being accepted he refounded in the new institute the hospital of God's Love administered by the mitre. Without any fundamental changes in its aim or organisation and suffering no other reforms than those answering the variation of the times, St. Andrew's hospital has subsisted up to these days; but now it is on the eve of disappearing and being replaced by the new general hospital, which is going to be inaugurated and whose construction has been made in conformity with the most modern principles.

As may be seen by the brief relation we have made of the foundations of the xviii century, they cons-

titled by themselves a nearly complete general plan of beneficence comprising the assistance to foundlings, to orphans and abandoned children, to old people, to all diseased, completed by the madhouses already founded and the succour, by means of pecuniary loans, to the transitory and momentaneous needs of persons whose state does not require their internation in an asylum.

Most of the institutions of the XVI and XVII centuries when religious feeling was predominating over all, disappeared; those of the XVIII, inspired in a feeling of charity or philanthropy rather than religion and destined to satisfy permanent necessities of our country's social state, at least while the very base of society's organisation does not vary, were received by independent Mexico, were her base for the important service of public charity, have subsisted and will continue subsisting, change of buildings or regulations not altering the purpose and aim of their institute.

8. To the establishments whose foundation we have reported, we must aggregate some others of less importance and whose primordial aim was not charity, but education, especially religious education; but which, to assure the wished for result, were given a certain charitable aspect destining them for poor or helpless girls. Besides the college for Indian girls there were the college for girls founded in the XVI century by the archfraternity of the Most holy Sacrament dependent on the Cathedral; the Teaching convent (1753); that of Corpus-Christi for noble Indian women, daughters of caziques (1722). It also was a rule in convents to receive poor girls for education and for service whereby, although in some cases shelter was given to need, as a rule, they procured to prepare new nuns.

9. The last days of the colonial era were of great trouble for the charitable establishments. The royal treasury's penury requested the imposition of forced loans on the clergy,—the principal of them was called *Royal values consolidation*,—and clergy being the administrator of the charity institutes, these also proved deeply affected. From St. Andrew's hospital, from 1806 to 1808, 132,000 pesos were taken whose interests were paid only until 1812. Even the foundations that were no ecclesiastical ones, suffered losses of consideration: the Vizcainas college and the Aranzazu fraternity were deprived of more than 500,000 pesos.

That reduction of the funds could not but be harmful for the establishments that never had a model assistance, as it may be read in the writers of the epoch and specially in the *Periquillo* of Fernandez de Lizardi, who presents them as a type of disorder and abandonment, it is undoubtable the diminution of their rents must have impaired all their services. Thus, then, there was nothing brilliant in the situation the colonial system was going to hand over to the new nation.

On the other hand, the Spanish Cortes decreed in 1820 the extinction of the religious hospitaller orders and in virtue of this disposition it was resolved in conformity with the Constitution of 1812 that the Municipality of Mexico should take care, this implying their secularisation, of all the charity houses administered by those orders and which were the most of New Spain.

Up to then, authority had not had charge but of what properly constitutes assistance as a police service: taking up of the wounded, of people attacked by a grave accident on the public ways and attending to the needs of the moment and even this had been done in a rudimentary manner, there not being a momentary hospital nor a police medical service; the wounded, like other diseased people, were taken to the common hospitals. The King had founded the hospital for natives; but this had been rather an act of personal piety than of public service and it was sustained with the product of a special tax laid on the Indians.

Since 1821 the situation was going to change. Charity was to be considered a branch of civil administration; although for the moment there still remained some establishments in the hands of ecclesiastical corporations, these were to disappear before forty years would pass; clergy who had created in a great part the charitable houses and had managed nearly all of them, but who had not contrived nor wanted to invest in them the huge sum that constituted her riches, over 150 millions capital and seven and a half of yearly rent, that formed the greatest part of the nation's wealth,—clergy, we have said, lost her character of benefactor and wholly ceased to be an element of order, to take an active part in political dissensions and troubles. We say clergy had not consecrated to charity her powerful pecuniary

elements, for his actual wealth consisted in the goods of the convents and the charitable foundations had mostly been made by secular persons or by ecclesiastics with their personal funds and not with the goods of the religious communities.

Since then beneficence founded by the ecclesiastics themselves or by persons of lofty religious feeling and under the Church's auspices was gradually going to lose that character and to become converted into laical. There were still frequent vacillations to be experimented; movements were still to come in favour of beneficence made under the shelter of the Church and by communities or orders; however, the movement was already steering towards a laical character and in spite of all oscillations the way invariably led thereto.

Charity was going to pass from being religious to being laical and from being private to being public.

INDEPENDENT MEXICO. ANARCHY. THE REFORM (1821-1867)

10. The municipality of Mexico when taking charge of the hospitaller orders' establishments saw herself in a painful situation. The goods of the extinguished orders, according to the decree of 1820, ought to belong to the crown and be applied to the service of public debt, as they actually were, and afterwards when Independence was established, they passed to be the Nation's; but not being at once handed over to the Municipality, the hospitals were for the town a new and heavy charge, her rents not increasing in a due proportion. In December 1821, the provisory Board ordered the town-council to be put in possession of the goods of the hospitals; but probably it did not get them all nor was its administration lasting. The goods of St. Hippolytus were applied to the State of Mexico when this was created. Hence it happened that many hospitals were closed and others delivered to ecclesiastic corporations. That of St. John of God remained in charge of the brotherhood of that name; that of insane women fell to the care of the congregation of St. Vincent of Paul and only those of St. Lazarus and St. Hippolytus remained under municipal management. The town took at her charge the cost of eighty diseased at St. Andrew's besides the prisoners and wounded she sent to be assisted there; but in fact she paid only a very small part of the amount of the stations, federal Government doing the same regarding the military persons it sent there because there were no military hospitals yet.

11. The huge necessities of the governments during the long and mournful epoch of the intestinal revolts caused them to follow the example of the Spanish government and to occupy a large part of the charity funds, and although this was nearly always done with the character of a temporary loan and owing a rent, the capitals were seldom given back or the interests punctually paid; thus and in spite of the fact that in the general budgets allowances were assigned as subventions and charity was given some participation in the produce of certain imposts, the penury of the establishments was ever increasing while their own capitals were decreasing and the service becoming worse.

The goods of the hospitals, being managed some times by the Town-council and at other times by different authorities, were preserved, however, until 1829, when Government, making use of extraordinary faculties, sold most of them, the remaining ones being disposed of in 1842, likewise in use of extraordinary authorisation, not even sparing some of the edifices of the hospitals.

In 1831, a decree having been issued that the federal treasury would supply, during two months, the funds necessary for the maintenance of the jails and hospitals the Mexico town-council was in charge of, this making us understand what a degree penury had arrived at, the town was granted an allowance of 120,000 pesos a year, to be taken from the produce of the district's excises and whereof 80,000 pesos were destined for the expenses of jails and hospitals; however, Government's urging needs did not allow it to fulfil that disposition.

St. Andrew's hospital and the Infant-asylum (Public nursery), being managed by the ecclesiastical chapter, stood under the inspection of the ministry of Justice which at that epoch had also in charge the ecclesiastical affairs; but this did not save them from suffering the same vicissitudes as the remain-

ning institutes. The nursery was obliged to shut her doors for some time, about 1828, for lack of funds, —Government owed her more than 137,000 pesos capital and in payment of the interests, adjudged her several estates of the extinguished Inquisition,—and St. Andrew's hospital was in an equal jeopardy having a yearly deficit of about 40,000 pesos.

12. In 1846, only eight hospitals were subsisting whereof hardly six did effective service, for that of the Most Holy, at the care of St. Peter's brother hood, assisted but two insane priests and that of Terceros had only ten beds. The others assisted, respectively, 40 patients that of Jesus, 60 that of Saint John of God, 85 that for insane women, 88 that for demented men, 56 that of St. Lazarus, and 650, including prisoners and military persons, that of St. Andrew's which continued intrusted to the care of the ecclesiastic authority. We see the total sum of patients assisted was 1,000.

St. Hippolytus hospital was costing the town 11,000 pesos a year and that of St. Lazarus a somewhat larger sum.

The infant asylum and the hospice continued being sustained with special funds, the former being kept under the immediate inspection of the ecclesiastical chapter.

13. In 1843, Government permitted the establishment of the Sisters of Charity, the Institute of Saint Vincent of Paul, with the purpose of intrusting them with the care for the hospitals, hospices and other charitable houses and in 1845 they were granted several franchises and exemptions. Thanks to several donations, the most important being made by the countess de la Cortina, the Sisters came to possess considerable goods and besides having in charge nearly all charitable institutes, thus established their mother-house with a college for girls annexed to it in the edifice commonly called of *the pretty women* situate on the north side of Villamil square. They remained in the country until 1874 when they retired in virtue of the law which, regulating the addition whereby the precepts of the Reform laws had been incorporated with the Constitution, prohibited any kind of monastic orders, whatever their denomination and purpose might be, including the religious societies whose individuals lived under certain peculiar rules, by means of temporal or perpetual promises or vows, and subjected to one or several superiors, although all the members of the order had distinct lodgings. The retreat of the Sisters produced a certain political agitation in the country, being the last of those which were directly related with the religious question.

During the administration of the Sisters the charitable houses were better managed than in former times and when they left, serious difficulties were felt conveniently to supply them and not incurring into the blunder of delivering charity into the hands of persons destitute of philanthropic feelings going to that service with no other aim than their own thriving.

14. As may be seen by what we have been relating, there was no unity of plan in the charity management of that epoch. At the same time as the hospital of Jesus, the hospice and the Vizcainas college subsisted, ruled, as it was but just and due, by their foundation regulations, the ecclesiastical chapter had charge of St. Andrew's hospital and the Infant Asylum, the town-council had St. Lazarus and St. Hippolytus hospitals and the brotherhoods were intrusted with those of St. John of God and of the Divine Saviour. Civil authority exercised her inspection by means of the Home ministry which was at the same time that of foreign Relations, over the establishments managed by the town-council and through the ministry of Justice and ecclesiastic affairs over the institutes dependent on the clergy. From such an organisation of the higher vigilance there was necessarily to result a want of efficiency in the administration, since there was no general plan, nor could there be any, and each establishment acted without concertation or agreement with others; but this could not be surprising since all the live forces of the country were then concentrated on the political struggles tending towards the definitive constitution of the Republic and, of course, in such a situation it was impossible to carry through any administrative work requiring stability and tranquillity of government. All was to be, as it was in the remaining departments, too, either abandonment because the attention was consecrated to prevent or to retard the fall of the Governments or, at the utmost, trials and isolated and incoherent dispositions dictated in view of the

needs of the moment, when there was a brief truce in the struggle and something could be done to satisfy society's just cravings for welfare.

15. Such was the situation when the great Reform crisis came, already initiated since the last epoch of the colonial system. The secularisation of the estates of all the civil and ecclesiastical corporations having been decreed on June 25th 1856, the charitable establishments fully entered upon a new era of their life. The law disposed the lessees should be adjudged the estates of the religious communities, of the fraternities, archfraternities, congregations and brotherhoods, of the parishes, municipalities and colleges and, in general, of any establishment or foundation having the character of perpetuality, only excepting the edifices directly and immediately destined to the service or purpose of the corporations. The price of the adjudged estates remained to be acknowledged at the rate of 6 per 100 a year on behalf of the corporations. In virtue of that disposition they adjudged the estates of the charity houses and of the religious corporations having them in charge, including those of the Hospice, St. Andrew and other hospitals, even that of Jesus.

Article 27 of the Constitution of 1857 reaffirmed the principle of the secularisation law repeating that the corporations only could possess the edifices directly and immediately destined to the service of their institutions, a principle amplified not long ago by means of a constitutional reform, precisely initiated with the aim of protecting charity.

During the Three years war, the law of July 12th 1859 suppressed the regular orders,

the archfraternities, fraternities, congregations and religious brotherhoods and declared all their estates belonging to the Nation. This law being issued at Veracruz, had not its full effect but when the liberal government occupied the capital of the Republic and then its precepts were explained and enlarged and in point of charitable institutions it was set down they should be placed under the immediate inspection of the civil authority and their goods should continue being destined to their special aim and administered separately. By dint of that disposition the charity houses kept their capitals although they could have no landed estates. However, the needs of the intervention war hindered that state of things to be consolidated and in order to get resources, government, in May and July 1862, compelled those who acknowledged capitals above four thousand pesos, to redeem them delivering a fourth part in ready money within the peremptory term of three days and the remainder in bonds or credits within two months. It need not be stated that the produce of these redemptions was exclusively in profit of the National treasury and that the charitable establishments, as a consequence of that measure, saw themselves deprived of nearly all their funds being reduced to what government might give them, which in that afflictive situation could be but little or hardly anything, the municipality of Mexico being the one compelled exclusively to carry the load. Posteriorly, the law of December 10th 1869 resolutely declared adjudgeable the charity capitals and estates which might have remained occult, that is to say, whereof Government had not had any knowledge.

The Reform principles are now above all discussion. Besides having been an urgent political neces-



Queretaro.—Interior of Vergara hospice

sity to assure order and peace they constituted the indispensable base of the further development of the country and the advantages emanated therefrom for the Nation are inappreciable. However, regarding the special matter whose evolution we are relating, it is also doubtless the Reform produced an immense perturbation and the evils resulting from the application of its laws were profoundly unfavourable for the existing charitable institutes and hindered the foundation of new ones sowing in public mind an unlimited distrust causing the besthearted and most pitiful men to withdraw. It perturbed, besides, the criterion of the statesmen causing government to abandon the sound principle to leave particulars the mission of practising charity and carried it on the mistaken path of pretending to supply private charity with the official one, bestowing on the public power whose functions ought to be all of discipline and force, benevolence and philanthropy with the character of regular and permanent functions. I do not hesitate in believing these evils, reparable by their own nature and already largely repaired in the time elapsed until to-day, must be held small ones in comparison with the immense goods obtained for the political and social constitution of the country; however, it is convenient to state the triumph was not obtained without some parts of the social organism receiving deep wounds; being aware thereof we may more eagerly endeavour to heal and remedy them.

16. A direct consequence of the suppression of the religious corporations was the complete secularisation of charity. The decree of February 2nd 1861 disposed the Government of the Union should take charge of the management, direction and maintenance of the establishments existing in the Federal District, while those of the States were managed by their respective governments. Thus the work initiated in 1821 by the suppression of the hospitaller orders became accomplished and charity erected into a civil and laical institution quite losing all the remainder of its religious character.

In order to realise the secularisation of charity a Director-general was created whose business it was to care for the things relating to all the establishments of the District excepting the Municipal or Saint Paul's hospital which was provisorily left at the charge of the Municipality. As for funds, Charity was assigned 8 per 100 of the produce of the municipal imposts. That organisation was a very transitorial one, for the Director being suppressed on August 30th 1862, the municipalities were ordered to care for all regarding the charity houses in their respective demarcations. The Mexico town-council became intrusted with the funds administered by the Direction, and from 1863 they began to defray all the expenses amounting to about 100,000 pesos a year. The Infant Asylum continued subsisting on its special funds, since it does not appear the Municipality has made any expense for the same. At that epoch St. Lazarus hospital became refounded in St. Andrew's and although Congress decreed the foundation of a Maternity hospital destining for that purpose the edifice of the extinguished Terceros hospital, no effective result was attained.

The Sisters of Charity continued attending some establishments but this was declared not to imply an acknowledgment of any religious character of theirs, they being considered a merely civil society gathered with the aim of executing charity works (May 28th 1861).

17. The Intervention war and the Empire constituted a parenthesis in the evolution of these institutions as in that of all the remainder. The Empire's work was almost null not leaving any other track but the foundation of some establishments we must mention further on, for if it is true order was tried to be introduced into the service, the measures taken did not radically affect the established system and their influence was but transitory.

When the Republic was restored and during the administrations of Juarez and Lerdo no fundamental innovation was introduced and things continued as they had remained organised when the constitutional Government left Mexico in 1863; the Municipality continued being intrusted with the care for most establishments, only a few being managed by other authorities. What was actually done was to procure, by means of some dispositions, that the funds still resting especially affected to charity works were not adjudged and there was a general endeavour to inspire trustfulness.

18. The deficiencies of the service in the charity houses were patent and nobody could disavow

them. Hence one of the first acts of General Diaz's administration was the reorganisation of that department.

The circular issued on January 23rd 1877 by the home minister, Lic. Protasius P. Tagle, created the Direction-general of Beneficence which, formed by the directors of the charity houses under the presidency of the Minister himself and having for vice-president the President of the Town-Council of Mexico, was intrusted with the administration of all the establishments and their funds both the proper ones and those proceeding from allowances made in the Federal or Municipal budgets. The considerations inducing Mr. Tagle to separate charity from municipal government were, on one hand, the difficulty to get a system of uniform administration established, the renovation of the members of the Town-Council being so frequent and the number of departments to be cared for so great that it resulted impossible to consecrate the charity branch the heedful and constant attention it required, and, on the other hand, the necessity of stopping the confusion of the charity funds with the general ones of the treasury, because this confusion makes private persons shrink from granting donations, they being afraid the money might be distracted from its aim and applied to other needs, albeit with rightful intentions.

According to the same disposition the directors of the establishments were named by the Municipality if they must not be of some profession or by the body of the establishment's professors if they ought to be professional men. The appointments were made for but four years, reelection being forbidden for the succeeding term and the Board or Direction was to be renewed by half every two years.

In point of funds it was disposed the Mexico municipality should supply 500 pesos a day which sum approximately corresponded to that spent in charity during the year 1876.

For the moment, the municipality kept some interference in that department, for besides its president acting as vice-president of the Board it exercised the inspection over the establishments by means of a Commission of aldermen and the control of accounts by the municipal treasury. This interference was to disappear very soon, the municipal obligation remaining limited to the ministration of funds which at last also disappeared when, in 1896, in consequence of the suppression of excise, municipal finance must be reorganised. The Upper Council of Public Health and the cow pox service were submitted to the Charity Board.

19. A new circular of the Home Secretary somewhat changed that Board's organisation on December 30th 1879, for, suppressing the *ex officio* presidency and vice-presidency of the Home minister and lord mayor, created a remunerated Director-general and three honorary directors, leaving for the rest the composition of the Board almost the same as it was and limiting itself merely to a better regulation of the service.

20. It was the regulation of August 1st 1881 which gave charity the organisation wherewith the XIX century ended and which has now been in force for more than twenty years. That regulation suppressed the Direction-general and confided the department to the direct management of the Home Secretary by means of a section created in that ministry and intrusted since then with the care for all the establishments and their funds.

In the same disposition the charitable establishments were enumerated for the first time determining the special purpose of each of them; they were: St. Andrew's hospital, of a general character, with a ward for syphilitics; Juarez hospital, formerly Municipal or St. Paul's, for wounded and prisoners, with a ward for lazars and later on also for typhus fever patients; Morelos hospital, formerly of St. John of God, for syphilitic women; those of Maternity and Infancy, and those for the insane, the old St. Hippolytus for men and the Divine Saviour's or of the Canoe for women; the Poor Hospice, an education home for boys from seven to ten years and for girls from seven to fourteen years and an asylum for old people; the Orphans Industrial School,—Tecpam of Santiago,—for the shelter and education of poor youths from ten to eighteen years; the Correctional education School of practical Agriculture, established at Mmulco,—Coyoacan, and which is now St. Peter and St. Paul's Correctional school, at Mexico,—and besides the policlinics annexed to St. Andrew's and Infancy hospitals to minister gratuitous medicine to the poor.

In the Regulation of 1881, as in the dispositions issued since 1861, only in clearer terms, they con-signed the Home Secretary's faculty to watch that in the establishments of private foundation the will of the founder was faithfully accomplished, to hinder the funds belonging thereto to be distracted from their aim and to have the police and health regulations observed. We shall soon see that before twenty years, government, becoming more and more heedful of the private foundations, ought to issue a special law regarding the same in order to secure the faithful fulfilment of the founders' will and to conciliate with the public interests the respect due to that will.

Besides the mentioned charity establishments properly so called, the Home Secretary had also charge of the School for the blind, that of arts and crafts for women, until 1891 when it passed to the Secretary for Public Instruction's care, the Foundlings (or Cradle) house and since 1891 also the School for the Deaf and Dumb which up to then had been at the care of the Secretary for Public Instruction. The expenses of those institutes were directly charged on the Federal Budget where there were figuring items amounting, in a yearly average, to 20,000 pesos for the School for the blind, 18,000 for that of the deaf and dumb and 10,000 for the Foundlings House. Since 1896 when the municipality of Mexico ceased yielding the allowance of 500 pesos a day, the federal budget has had a subvention item to charity of 257,000 which, together with the produce of their proper capitals, with the pensions paid at the insane hospitals by distinguished patients and with the sums paid by the concessionaire company of the charity lottery, form a total sum of 384,000 pesos a year, to which the expense of the establishments amount.

21. The endeavours made during the government of general Gonzalez (1884) to obtain the adjudgment of the goods of the Jesus hospital and the Vizcainas college gave rise to a careful study of the questions related with the private charity institutes,—the principal author of those studies being Lic. Aloysius G. Labastida,—and this, besides producing the definitive declaration that such goods are not comprised in the secularisation laws, led to the creation of a functionary who, dependent on the Home Secretary and named attorney defender of private charity, ought to watch the exact fulfilment of each establishment's statutes, the assistance bestowed on the inmates and the application of the funds (1885). In this way they began to effectuate Government inspection that had been decreed since 1861 but which up to then had remained a dead letter.

But, to be sure, even after this, there remained very important questions to be settled. Neither did common legislation about moral persons leave charity establishments sheltered against attacks nor were there in the law efficacious coercitive means to procure the exact accomplishment of the testator's will, nor means of defence of their estates sufficient to inspire as full a trust as is necessary to determine generous persons to found charity works. To obviate these inconveniences the law of November 25th 1899 was issued giving philanthropic associations and foundations undisputable juridic personality, establishing rules for their constitution, defining the rights of patrons, regulating the administration, granting some exemptions and creating a Private Charity Board confiding it not only the inspection but the care of promoting and stimulating the foundation and fomentation of private charity establishments and all sorts of philanthropic works. Thanks to that disposition private charity may now be exercised amply and unclogged within the law with the guarantee that the will of the founders will be fulfilled without any fear their goods might be distracted from their purpose.

The motives we outline in the conclusion of this study make us hope, both public power and society will continue forwarding the development of private charity and it will be enough for Government to respect that institution and not necessary to grant it any special protection in order to attain ere long a considerable importance.

22. After Independence, and notwithstanding the long period of agitation in this country, the following establishments have been founded: the Municipal hospital, at St. Paul's, which at first served as a field hospital, during the last days of the war with the United States and which through the toils of Mr. Azcárate subsisted on behalf of the wounded and prisoners of the town delivering from that service St. Andrew's hospital (1848); the Tecpam of Santiago, to-day the Orphans Industrial School in whose foun-

dation, too, Mr. Azcárate took a main part (1850); Maternity hospital which the Republic had attempted to found at the beginning of the French intervention, opened through the initiative of the unfortunate archduchess Charlotte (1865) and to which afterwards the Infancy hospital was aggregated; the School for the deaf and dumb, established at first as a municipal one and raised to the rank of national in 1867; the School for the blind, founded by the initiative of Mr. Trigueros and later on a homeopathic hospital subventioned by Government, but not managed nor directed by the same.

As establishments of private charity must be mentioned: the Mendicants Asylum (1879),—whose actual founder and supporter is the distinguished typographer Francis Diaz de Leon,—where about 200 old men and an equal number of boys and youths are assisted, replacing to-day the Poor hospital whose department for the old was refounded therein; the Concepcion Béistegui hospital, founded by the lady whose name it wears; the Working Woman's Friendly House founded by mylady Romero Rubio de Diaz and whose aim it is to assist the

children of the working women during the hours these are occupied at their work; several public sleeping houses and an Asylum of regeneration and infancy sustained by the Mexican philanthropic Society which also has established at several spots of the town sewing shops where poor women are gratuitously allowed the use of sewing machines. The distinguished statesman Matthias Romero and his wife ordered the foundation of important institutes which are building as also the Pawn Office Savión. Of an essentially catholic character are acting: St. Vincent of Paul's Conference which supplies food; the Working Children's Home, of the priest Hunt-Cortés and several hospices and asylums.



Puebla.—Hospice and Arts and Crafts School

To these establishments, of a general character, we must add those supported by foreigners residing in the capital, to succour their own countrymen; such are the American hospital, the Spanish hospital and the French, Swiss and Belgian charity societies.

23. The present state of official charity in the Federal District may be shown, adding to the given statements the fact that approximately two thousand sick persons and about one thousand four hundred children are assisted (1). For the supply of food and medicines to all the establishments there is a central providing office with its chemist's and baker's shops which has produced the best results, for, besides considerably diminishing the cost, it assured the good quality of wares, simplified the administration business of each of the establishments rendering accounts easier and constituting a means of vigilance over each of the particular administrations.

The circumstances we have mentioned of political perturbations, instability of the Governments and

(1) The particular figures are: Hospital Juarez, 500; Saint Andrew's, 350; Morelos, 300; Maternity, 65; Infancy, 40; Insane men, 280; Insane women, 330; Homeopathic hospital, 60; Foundlings home, 300; Orphans Industrial School, 420; Hospice, 700.

the state of anarchy in the country not having allowed to establish the necessary unity in the charity organisation, the present institutes occupy edifices which, not only by their distribution and construction, but even by their situation,—many of them are now in the centre of the town through the growth of this towards the West,—are inadequate for their purpose not offering the conditions required to-day by the progress of hygiene. For that reason Government has built at the south-east of the town an ample and well distributed General hospital wherein all the now existing ones are to be refounded, excepting the insane hospitals. Its construction projected and directed by engineer Robert Gayol with the help of Dr. Edward Licéaga is nearly quite terminated, there wanting only small secondary and ornamental particulars and it will be inaugurated in a very near future. For the construction of a madhouse wherein the two now existing insane hospitals are to be refounded, the Home Secretary acquired the house and garden of the Castañeda estate (Mixcoac), and now he is studying the plan of the edifice. At the south of the town of Mexico a new hospital is building, destined to supply the present one. So that ere long the edifices now in service will have been renewed in their totality.

Besides the charity institutes we have mentioned, as a complement of public assistance and constituting the part of the same almost exclusively proper to Government we have: the medical police service for the wounded and the persons befallen with accidents on the public roads which is exercised by physicians, adscribed to the inspections or commissaries; the vaccination service officially established since the first third of the XIX century and which is intrusted to the Upper Council of Public Health where there is also a department for antilyssic inoculation and the service of gratuitous conduction of the dead to the Municipal Pantheon (Cemetery).

24. The movement operated in the States of the Federacy, in general terms, has steered a parallel course to the District's and in them also charity has attained a favourable development, Puebla distinguishing itself by its general hospital,—250 beds,—its Maternity house, its hospice and its two bedlams, one for men and the other for women; Guadalajara, by its civil hospital of Belem, founded in 1787 by bishop Alcalde, with a department for lunatics and room for one thousand patients, and its hospice and school of arts, founded in 1804 by the priest Ruiz Cabañas y Crespo, and where about 500 people are assisted; Morelia by its civil hospital, recently inaugurated and its hospice for girls. Several States have their Pawn-houses: Puebla, one founded by Vidal Alcocer, and Michoacan an official one. Jalisco and Guanajuato are distinguished by their great number of hospitals, the former counting thirty three and the latter thirty one.

25. A general summing up of the state of charity in the Republic may be made saying there are all kinds of charity institutions, since those aiming at helping the child to enter into life,—maternity, founding and orphans houses,—up to those limiting themselves to burying the dead. Some take completely charge of all the needs of the person making him the inmate of an asylum and caring for his food, dress, education, if it is an infant or a youth and for his medical assistance; others only aim at succouring a determined necessity, leaving the succoured at their homes; such are the policlinics, the mere ministration of food, loan upon pawns and several analogous institutions.

Regarding hospitals we may set down the following classification: I. Hospitals of public charity, often called civil hospitals because they are sustained by the civil authority and not by religious corporations or municipal hospitals because they are dependent on the Municipalities. II. Of private charity either proceeding from properly so called foundations and having their own goods or funds or being sustained by charity associations nearly always of a religious and catholic character or constituted by the foreign colonies; in this group we must also mention the hospitals sustained by the large railway, mining or industrial enterprises either with their own funds to favour their operaries or organising among them mutualist or cooperative societies. III. Of public service comprising the hospitals for the wounded and prisoners, for military persons subjected to the military administration and the infirmaries annexed to the public establishments and which are of some importance when the number of their inmates reaches a somewhat considerable figure.

The total number of hospitals in the Republic is 251 (1), and the number of the persons assisted therein every year, is 129,000 of whom 10 per 100 die. The average existence is 10,000.

26. The Mexican character,—understanding by the word character the complex of psychic qualities and tendencies,—has not been studied yet and they are hardly beginning to gather materials for that grand work wherein several generations of thinkers will have to consume their energies. But judging thereof as far as the vague and inconnex observations of our daily life allow us to do, it appears we are authorised to say the oppression of three centuries of colonial regime that prepared the anarchy of the first period of our independent life, rather more than half a century, and that same period of political convulsions have to explain for us the development of our ethnic elements and to give us the clew of both the virtues and the defects of the races into which the Republic's present population may be decomposed.

In another study we have already stated the huge distance that separates the various classes of our society causing it to lack completely all homogeneousness and making the individuals forming the same seem to be of different peoples and even of different epochs, by reason of their enormous differences of culture, instruction and morality, which hinders us to treat in the same manner of the whole complex obliging us to sunder the various social classes every time we attempt to study them and to formulate any conclusion relating to them.

Restraining ourselves to the low people which is of course the principal object of the charity institutions we will try to fix some of the salient features of its character. From the first moment our attention is called by the lack of method and regularity in its customs; being of an anarchic and mutinous mind, under many aspects, if not under all, it manifests itself wilful and little disposed to anything but to obey its momentaneous wishes and impulses, this defect being more pronounced in the lower than in the upper classes who, nevertheless, partake thereof; hence its lack of prevision, and mind for thrift and saving; it toils when necessity impels it ineludibly and only as much as is sufficient to satisfy the scanty necessities; these once filled and sometimes even before, they return to idleness and the vice of inebriety, their favourite passion, inducing them to consume their earnings and if they find credit, something more, this leading them irremissibly to a poverty next to wretchedness as their habitual and permanent condition, to filth and nakedness, to living in ruinous and infected dwellings and to an absolute want of culture in all their acts manifesting itself even in their demeanour on the public roads where they obstruct the free circulation and which they soil by every means at their reach.

Examining the Indian from the standpoint of family morals we do not find him superior; being often polygamous he seldom contracts legitimate unions, joining a woman only for a short time, leaving her the maintenance of and care for the offspring, in the same manner as even in the best days of their union, he leaves her the most toilsome part of the work and allows her to maintain him not being ashamed of his unworthy conduct. Of the form of his sexual union there result two evils whose transcendancy for the future of the Nation is incalculable: material and moral abandonment of infancy and the enormous rate of infant mortality this being mostly a direct consequence of abandonment. Most of the unions are illegitimate, the proportion of natural children is amazing,—65 per 100 in the Federal District and 42 $\frac{1}{2}$ in the whole Republic,—and the same happens with infant mortality representing 47 per 100 of all the deaths under 4 years in the District and 50 per 100 of the children under 5 years in the general statistics of the Nation (2).

(1) Aguascalientes, 3; Campeche, 2; Coahuila, 1; Colima, 2; Chiapas, 4; Chihuahua, 3; Durango, 2; Guanajuato, 31; Guerrero, 4; Hidalgo, 16; Jalisco, 33; Mexico, 23; Michoacan, 10; Morelos, 5; Nuevo Leon, 1; Oaxaca, 6; Puebla, 20; Querétaro, 2; San Luis Potosí, 8; Sinaloa, 3; Sonora, 7; Tabasco, 1; Tamaulipas, 4; Tlaxcala, 6; Veracruz, 17; Yucatan, 3; Zacatecas, 2; Tepic, 7; Lower California, 4; Federal District, 21. *Boletín Demográfico*, 1899.)

(2) We may state the following figures although we do not mean to lay great stress on our statistics:

1898. Civil marriages: Michoacan, 1,300 (population, 896,000); Hidalgo, 1,700 (population, 559,000); Guerrero, 2,400 (population, 420,000); Federal District, 2,300 (population, 476,000). To these enormously low figures we may oppose the following relatively far higher ones: Chihuahua, 1,900 (population, 263,000); Coahuila, 2,500 (population, 241,000); Nuevo Leon, 2,700 (population, 309,000); Jalisco, 10,200 (population, 1,108,000).

In the District of which alone we possess such a statement, 60 per 100 of the natural children inscribed on the civil register remain not acknowledged by either of the parents (1).

Such antecedents are apt to explain the double phenomenon that, on one hand, the capaciousness of the orphan homes and other establishments destined to the material assistance of children is never sufficient as is proved by the exorbitant number of solicitudes for admission and on the other hand, in spite of the great misery produced by illness, the low people shun the hospitals because of the discipline and order they are subjected to therein contrary to their habits of irregular and wilful demeanour. It is only by absolute need they go there, especially the men, and as soon as they are able to leave, they go off, sometimes actually fleeing as if they were in a prison.

At any rate the state of disease places the proletarian in an extremely painful condition, often obliging him to have recourse to the charity institutions; but in our country, through the complete want of providence and savings, it always ought to be necessary to refuge there, the diseased never would be able even to subsist as soon as he was unable to work, but for the mildness of the climate and the facilities for life,—facilities offering the double form of reducing the needs to a lowest minimum and of allowing sufficient elements to satisfy them to be acquired without great exertions,—if those circumstances, we say, did not allow the disabled to be helped, without a sensible effort, by other individuals of his own class, not necessarily allied by links of blood or even by an old and narrow friendship, a recent and superficial acquaintance being sufficient to make him share the frugal and scanty food and shelter him in the dwelling, resulting the situation so frequent in the capital and designated by the people with the expressive name of *arrimado* (approached). It is obvious, in countries where the conditions of life are hard, such a state cannot exist.

27. As for the charity establishments themselves and especially their general organisation, we have already stated that the political vicissitudes of the Nation sufficiently explain the want of a general plan and of unity that is to be observed and which makes them appear disperse and unconnected between each other, wherefore Government felt necessary to undertake their reform beginning with the building of adequate edifices permitting to establish between the different services the existing establishments are fulfilling the indispensable unity of system, a work continued with laudable perseverance by general Gonzalez Cosio, the home minister.

Regarding the conditions of the charity staff it must be acknowledged that the present state of the ideas and feelings, although it constitutes a great progress from certain points of view, presents a serious difficulty in point of charity.

Mexican Society, becoming transformed into laical, lost with the catholic sentiment the systematic ethic feeling which has not yet been replaced by any other equivalent, but only by a vague incoherent feeling of metaphysical ethics which has not been sufficient to lead society and which has permitted that like a leaven of unsound fermentations, there arises in all men a deep discontent with the condition they are in and the wish to improve it whatever the means employed may be, an unbridled ambition, sometimes covetousness, and the desire to abandon the sure and sound position one has in order to look for a better one although uncertain and remote. The conditions of equilibrium of the mind which made every one accomodate with his state, not pretending to improve but slowly and gradually, and which gave

Maximum of the rate of natural children in 1898: Hidalgo, 70 per 100. Minimum: Aguascalientes, 10 per 100; Nuevo Leon, 9 per 100.

The infant mortality figure represents almost the 50 per 100 of the births registered (*Boletín Demográfico*, 1898).

(1) The figures we have stated as also the direct observation of the customs, demonstrate that the Federal District and especially the town of Mexico are below the morality average of the nation; but unfortunately there are other regions where immorality is still greater. However, it must be admitted our observations on popular character must be severely tempered regarding several States, especially the northern ones where the indigenous element is very scarce and where the mestizo, perhaps by the small proportion of Indian blood in his veins, displays very different qualities than in other regions of the country.

strength to fulfil a painful and obscure mission, have disappeared and only exceptionally we may meet with persons, the more praiseworthy the more they are rare, who like those of other epochs consecrate their life to the practice of good and of charity by means of personal work, setting their heart on the endeavour morally to educate the child, to assist the diseased, not only with the physic for the body, but with compassion and love and to redeem the fallen ones especially woman. When studying the question of beneficence one sees clearly how urgent the constitution of a new morality is upon incommovable scientific bases, able to resist a profound analysis, so that with it may not happen what passed with religious morals which disappeared when the creeds serving as a base were destroyed.

In compensation it must be acknowledged the charity feeling consisting in depriving one's self of a part of one's goods either during life or by testamentary dispositions is not lost, in spite of the hard blows it received from the insecurity of beneficence funds. Notwithstanding the mistrust private foundations have not been wanting as we saw before and the Mexicans have continued obeying willingly the feeling of pity for their brethren and the aspiration to perpetuate their name and memory, their personality, we might say, by means of perpetual foundations on behalf of their fellow creatures. And that aspiration will increase and develop at the rate wealth is augmenting and the fortunes of private persons will be larger and more numerous. The foundations made in the XIX century were due to persons, rich, to be sure, among ourselves, but whose capital was small in comparison with that of North-Americans and Europeans. That spring still keeps energetic and strong and therein a precious element may lie for reconstitution.

28. The examination of the present state reveals the immense necessity our people has of education and culture and the fecund transcendancy for our Nation, and even for her political future, of the reconstitutions by whose means a diffusion of culture may be attained if they are organised upon eminently educational bases. The field of action opened for men of a good will and feeling heart cannot be wider. All remains to be done regarding popular education and any seed thrown into that field will produce abundant fruit. Government for its part may continue doing much good if, as we have no doubt it will, it perseveres on the path of reorganising the establishments it has charge of and above all, of inspiring full trust to private persons in order to induce them to take once more on their shoulders the benevolent function of charity as they had during the colonial epoch when the King left it them completely, never pretending any participation but in the case of the Indians, in the Royal Natives Hospital, in so far as these were not considered like the remaining subjects but deserving exceptional tutelage and protection.

The steadiness of peace, administrative order and government probity will produce ere long the happy result of restoring trust and the generous feelings will anew manifest themselves under a thousand shapes, many of which will be entirely new ones adequate to the needs of the present epoch. A multitude of establishments will arise easy to be steered along the course of popular education under all the manifold forms they may take. Leading private initiative towards that end may constitute and certainly will constitute a deserving deed of Government's.

We have ended our long and painful labour.

Inshallah, the reader will have found it less tiresome than the writer. We have not only had to exert the ineludible endeavour of gathering facts and statements and of synthetically coordinating them in some brief pages but we also must consume a rather large quantity of energy not to abandon the task to men endowed with a heart strong enough not to dismay in face of the mishaps our country has been afflicted with; however, our love for it has sustained us and we have come to the end. It is a statement of what we know and of what we believe. It only remains for us to add the expression of our wish these pages may prove useful, rousing in others ideas or feelings fecund for well-doing.

Michael S. Macedo.

VOLUME FIRST

Municipalities — Penal establishments — Public charity

Mexico. — General hospital





PART NINTH

JURIDICAL EVOLUTION

ANTECEDENTS OF NATIONAL LEGISLATION

HISTORY frequently presents the case of a conquering Nation separated from the subjugated people by a great distance of civilisation; then there arises the problem of the juridical institutions that are to rule the conquered country or the newly appearing Nation.

VOL. I. — 182.

Rome resolved that problem leaving the law of the conquered peoples subsisting under certain transcendental reforms in their politico-administrative system, denying them however the proper institutions of the *civitas romana*, as well in the political order as in the field of juridical activity.

The classical expositor of the *Cité Antique* is quite right in saying: «He who was no Roman citizen, was unable to be a father or a husband, a proprietor or an heir... A cleverly combined order of precedence among the towns fixed the grades by which they were insensibly to approach Rome and finally assimilate therewith. They distinguished: 1st, the allied who had a government and laws of their own and no link of right with the Roman citizens; 2nd, the colonies that enjoyed the civil right of the Romans without their political rights; 3^d, the towns of Italic right, that is to say on which the favour of Rome had bestowed the right of complete ownership over their lands as though those lands had been in Italy; 4th, the towns of latin right, i. e. those whose inhabitants, after the use formerly established in Latium, might become Roman citizens after holding a municipal magistrature.» This order of rank in the condition of the towns was introduced by little and little into the laws of Rome at the rate its dominions were enlarging and by means thereof the Town could in the course of time widen the at first impenetrable walls of its law and at length «from grade to grade, from the condition of subject or that of allied to Italic right and from Italic right to latin right,» the town of Rome spread over all the conquered Orb.

The Visigoth invasion into the Iberian peninsula met the same problem although then the conditions of the conquest were different because the question was not of a constituted and highly civilised people seeking in semibarbarous nations the widening of its territory, but of a race until then nomad and pastoral which, pushed by other tribes at its back, went in search of new territories where to settle finally, sharing the land with much more civilised peoples Rome had engendered there.

When the Visigoth people had changed its wandering habits for sedentary customs, when the people began to see in the Iberian peninsula the soil of its native country, it felt the necessity of embodying in juridical forms its ancient traditions and practices and accomodating them to the new social conditions, issued for the first time, under the reign of Euricus, a complex of laws. «They were made,—the eminent Spanish writer Joachim Francis Pacheco says,—for the Goths and did not rule, nor was it then wished they should rule, the Spaniards or the Gauls, the natives of the country. For these the Roman legislation continued in force as it had been at the moment of the Gothic invasion,» and still on that legislation later on a body of laws was formed called *Anian Breviary*, for the exclusive use of Gauls and Spaniards.

However, an interpenetration and mingling movement between the ethnical elements peopling the Peninsula became gradually accentuated and since the reign of Recaredo with his conversion and that of his Visigoth subjects to catholicism until Egica issuing the *Forum Judicum*, the fusion of the conquered with the conquering race became completely realised under the threefold unity of religion, legislation and even family, since in that same period the prohibition had disappeared of intermarriage between the Goths and the Romans of the Peninsula.

Since then, onward, the Spanish legislation becomes a national one, ruling over all the subjects of the monarchy and, a singular reaction, the juridical institutions, up to then derived from the race, will seek their base, thanks to some phenomena already explained by History, in territorial sovereignty, multiplying at the beginning, in the period of reconquest against the Sarracene invasion happened at the epoch of the *Fuero Juzgo*, the royal-burghs, the privileges, the special charters of every town and every territorial seignior, to recommence later on, when the said work of reconquest was more advanced, a uniformation work of the law on the Spanish territory. This last period properly begins with the appearance of the *Fuero Real* whose manifest purposes were its generalisation over all the reconquered towns, continues with the *Seven Parties* and pursues its more and more preponderant march until the consolidation of the Spanish monarchy under the reign of the catholic Ferdinand and Isabella and their successors.

We do not mean to make the historical survey of the Spanish legislative development we have alluded to: that development which began its evolution under the auspices of the theocracy incarnated in the

Toledo conciles from the Gothic irruption to the Islamite invasion; which in the algid period of reconquest reflected the mystic-feudal spirit of the epoch; which later on got inspired in the supremacy of royalty, albeit persistently and efficaciously submitted to the religious criterion of an absorbent dogma and a powerful well organised Church; that development, we say, does not correspond to the proper juridical evolution of the Mexican nation and for the aims of our exposition it has hardly been enough to state so, since the metropolitan legislation was the juridical heritage we have taken up and it gives us the starting point of the evolution we have realised in the XIX century.

It is at the historical moment monarchy may be said definitively consolidated when the discovery of America takes place and when the problem of a new legislation for the conquered lands emerges for the third time in the history of Spain. How was this problem resolved?

Two fundamental elements entered into action to serve as a base for the legislative development special to America and whereof we shall take only that which corresponded to New Spain.

The conquered territory was the first element. That territory was considered from the beginning as belonging to the dominion and jurisdiction of the Spanish Crown. «By donation of the Holy Apostolic See and other just and legitimate titles,—the emperor Charles V said on September 1519 and this was successively repeated by other monarchs,—we are lord of the West-Indies, islands and continent of the Ocean, discovered or hereafter to be discovered and they are embodied in our Royal Crown of Castile.»

This declaration is the premise wherefrom all the special right ruling in New Spain derives regarding property and it explains the form how the colony's territory was distributed between the conquerors and the conquered, between corporations and private individuals; the procedures relative to its acquisition, the compositions and royal mercies, etc., etc.

The second element was the conquered population. This population represented a state of civilisation of a very different and, indeed, inferior nature to that of the conquering race and the discrepancy of culture must naturally hinder and hindered submitting the indigenous race to the same legislation that was in force for the Spanish people. On one hand, the Indian had customs and laws of his own anterior to the conquest and representing the social state of the race; on the other hand, the inferiority of his civilisation, joined to the civil, economical and political inferiority wherein he was placed in his quality of a vanquished people, led to consider the natives a people in a state of perpetual minority over whom it was necessary to exercise the strictest tutelage, for their protection, in all the manifestations of human activity and for their conversion from idolatry and fetichism to the catholic religion. As a result of these antecedents the tendency of the Spanish Crown was the preservation of the indigenous traditions, like a personal statute and thus emperor Charles V, in a schedule of 1555 proclaimed this principle recompiled afterwards among the Laws of Indies: We order and command that the laws and good customs which the indians formerly had for their government and police, and their uses and customs observed and kept since they are christians, and are not opposed to our sacred religion nor to the laws of this book and those made and ordered anew, shall be kept and executed and if it be necessary, by the present deed we approve and confirm them.» But the truth is that such uses and special customs of the indigenes were not conserved regarding the properly juridical institutions, since their civil capacity for acquiring and contracting and even their penal responsibility were totally regulated and ruled by the laws proceeding from the Spanish monarchs and their Council of Indies.

The development of the Hispano-American legislation starting from these two elements, the submitted territory and population, became synthesised at the end of the XVIII century in the Recompilation of the Laws of Indies and of the accorded acts.

That legislation extended over the colony the juridical institutions of the mother-country, but at the same time introduced transcendental principles of exception regarding the property system throughout New Spain and regarding the civil state of the indigenous race.

To point out the salient features of the evolution operated in Mexico through the XIX century respecting the juridical institutions, leaving out of consideration those affecting the country's politico-admini-

nistrative system, because under these two aspects, the social and the constitutional one, they have already been described in other parts of the work: MEXICO—ITS SOCIAL EVOLUTION, such is the purpose of this exposition.

A transformation in the juridical institutions of a people is not the work of one day and Mexico had not the privilege to realise the impossible thing. Not counting the ten first years of the XIX century during which it continued being a colony, nor the eleven years employed in the struggle for Independence, the country continued being ruled by the legislation of the mother country in the period reaching up to the second third of the century.

Nevertheless, in that long period of seventy years, successive laws, inspired in irresistible tendencies of liberty and especially of social equality, tendencies imported into the country and which germinated in a select group deeply modified the social organisation, the conception of juridical personality, the deep rooted ideas of special rights and privileges; they prepared and accomplished the reform which altered the institutions regarding the civil state of persons and corporations, and transformed the system of immovable property and, advancing further, they consecrated in our political charter the conquest of those ideas and tried to give security to persons and things and they created a system of protection for the individual guarantees.

Afterwards, when these lines of our new organisation had been traced, when that new social creed had penetrated into the honest and intelligent consciences to such a degree that a foreign invasion and a monarchy brought to pull it down, accepted it as a program, it was natural to think of giving a juridical, synthetic and harmonic form to the realised social work and the first blossom of the new epoch was the project of a Civil Code, due to the genius of an eximious Yucatec jurisconsult, Dr. Justus Sierra, who inspired himself in Goyena's project taken from the Code Napoleon.

This was the scheme adopted by the first commission named by the Federal Government to compose a Civil Code. The commission, comprising the gentlemen J. M. Lacunza, Ferdinand Ramirez, Peter Escudero and Lewis Mendez, began its works under the government of Benedict Juarez, and as a result thereof, Empire issued some years later on the two first books, the rest being about to be concluded.

The restored Republic achieved this series of works, issuing the Civil Code of 1870 for the Federal District and the Territory of Lower California. This Code was formed by the gentleman Marianus Yañez, J. M. de Lafragua, Isidorus Montiel, Raphael Dondé and Joachim Eguía Lis, taking for its base the former project and the French, Sardinian, Austrian, Dutch, Portuguese and several other Codes.

This first Code was followed by the Penal Code almost exclusively due to Antony Martinez de Castro and the Codes of civil and penal Procedures.

These Codes which afterwards have been reformed in more or less important points, have served as a matrix for almost all those at present in force in the States, with the exception of several like the Corona Code promulgued in Veracruz in the year 1868 which has recently been derogated.

Besides these Codes we must mention that of Commerce, ephemeral work of the jurisconsult Theodosius Lares, those on the same subject of 1884 and 1889, that of Federal Procedures in civil matters formulated under Joachim Baranda's direction by Edward Novoa, Emmanuel García Mendez, Edward Ruiz and Lewis Labastida and the divers laws we must treat of further on, issued by Federal Government on subjects connected with immovable property, the general communication ways, mines, commerce and industry in general.

The appearance of the Codes signifies in the juridical evolution of the country not only the accession of clearness, order, and method in the laws, substituting the era of superposed concurrent or supletory legislations, each of which, pretending to explain the anterior ones, contrived to produce new doubts, obscurities and contradictions which exhausted the intelligence of the treatists of the epoch in glosses and concordances; nay, that appearance especially signifies the systematical development of all the juridical principles brought by the new necessities of human life as a contingent into the progress of the XIX century.

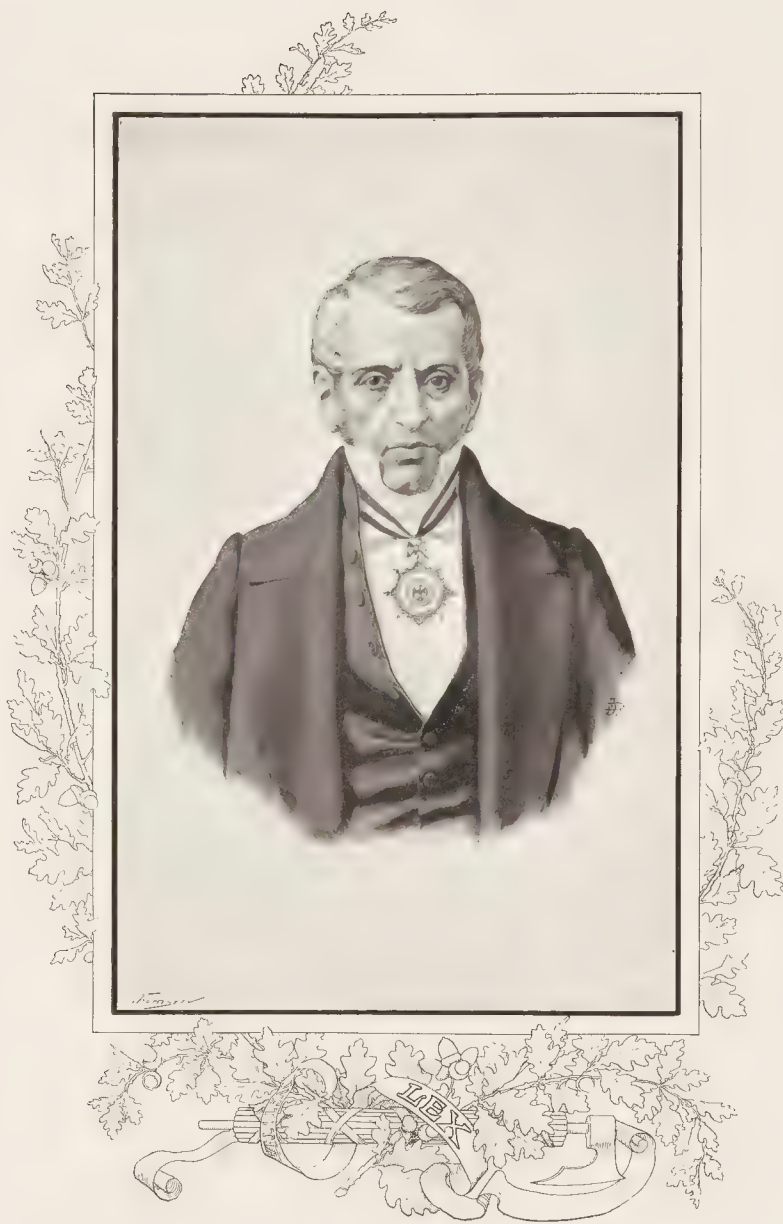
Several volumes would be necessary to describe the gradual course of our juridical institutions, if a

VOL. I.—PART FIFTH

Juridical evolution

Lic. Emmanuel de la Peña y Peña

THE UNIVERSITY OF CHICAGO



minute investigation were to be made: neither the character nor the limited dimensions of this exposition allow such an investigation and it will be restrained to sketch the prominent features of the transformations of our law in its most important matter, to wit:

- I. Juridical personality.
- II. Family and successions.
- III. Property.
- IV. Contracts.
- V. Crimes and penalties.
- VI. General system of proceedings.

JURIDICAL PERSONALITY

The heroico-religious spirit under which the Spanish nation got consolidated and organised, impressed on its legislation a profound inequality in the juridical condition of the persons characterised by the special rights, the privileges, the exemptions, the immunities, the incapacities, the prohibitions and even by the loss of civil personality while at the same time it depressed and almost annihilated the feeling of the juridical individuality of the physical persons involving her in the informous and absorbent organisation of the corporation, of the moral person and the guild in whose fictions it was possible to insert the most important manifestations of life in society.

The following is an eloquent sketch of the inequalities, consecrated and sustained in the juridical order, up to the XIX century, by the military tendencies and religious fanatisms, thanks to the distinction of classes established during the long period of formation of Spanish law.

A distinction between nobility and gentry and plebeyans granted the two former and denied the latter the exemption from seizure of their dwellings for the payment of debts, the immunity from incarceration for debts of private character, the prohibition of being submitted to torture in criminal investigations and the enjoyment of the liberties, special rights, uses and customs granted them in royalties and seigniories by charters of nobility and privileges of gentry. (Book VI, title II, Newest Recompilation.) Such privileged classes were created «because the Emperor and the King, although powerful lords, could not do each of them more than one man, because it was necessary there should be at their Court honest men to serve them and to govern the people and who should stand in their stead in those things they were to see by order of the same. And every one of them has power in his land, to do justice, and in all the other things that have branch of seigniorly, according to what the privileges say they have from the Emperor and Kings who first gave them the lordship of the land according to the ancient custom they used since a long time; beside this they cannot legitimate, nor make law, nor new right, without a bestowal of the people.» (Law XII, tit. I, P. II.)

A distinction between civilians and military men to whom the rights of the military orders and the manufacturers of saltpetre and gunpowder were more or less assimilated, granted the latter and denied the former a special fuero or jurisdiction, and exemption from tributes, lodgings, baggages, provisions, common councilorship, prison for debts and seizure of war implements, the widow and children enjoying in some cases the same privileges. (Book VI, tit. IV, Newest Recompilation and specially law XIV.)

A distinction between ecclesiastics and civilians privatively granted the former a special fuero and bestowed on them the exemption from personal charges and military service, payment of excise and land tax whilst it imposed them the vow of chastity and prohibited them to be aldermen, attorneys, clerks and solicitors. (Book I, tits. IX and X, Nov. Recop.)

A deeper distinction than the former divided men into free ones, serfs and emancipate. «For of old, they killed all the captives they took. But the Emperors thought proper and ordered they should not kill but keep them and make them serve. And there are three kinds of serfs. The first is of those they

take captives in war time, being foes of the faith; the second is of those who are born of slaves; the third is when a free man allows himself to be sold.» This distinction between free men and serfs was the absolute annihilation of civil personality. «Full power has the lord over his serf to do with him whatever he likes. But albeit he must not kill him nor damage him unless he do so as by order of the Judge of the place, nor must he wound him in an unnatural manner, nor starve him.» All things acquired by the serf were property of the lord, there existing regarding this the ancient Roman institorial and executorial actions whenever the serf was placed at the head of a mercantile establishment or a vessel of his lord's. As for the emancipate or liberated, he remained subjected to personal obligations of obedience and respect towards his patron and to supply him with food, his estates passing to be his patron's if there are no legitimate heirs. (Part. IV, tits. XXI and XXII) (1).

And if these class distinctions had been the only elements depressive of the juridical personality of man, at least the plebeian or labourer, i. e. the useful force of the nation, would have found in commerce, industry, agriculture and science a propitious field for the development of his individual personality.

But it was not so; such a development was doomed to creep toilsomely owing to a new factor that extenuated individual initiative up to anemia.

Several centuries of constant growth and systematic organisation had assured the Catholic Church a moral personality overladen with immunities, exemptions and privileges and endowed with civil capacity, originally without limits to acquire estates.

That Church, ostending at the head of her canons a principle of eternal secession from the State: *Ecclesia est societas perfecta et independens*, deriving therefrom the subtraction of her servants from civil society and the incapacities of priests and regulars and which counted on civil coercion to make effective the obligations of the suffragans, the faithful and the infidels, was an institution before whose stupendous corporation personality the feeling of individual personality must almost absolutely vanish.

And it was a personality from which there sprang like from a stout tree other branches likewise laden with privileges, exemptions and franchises, from her there shot the brotherhoods, archbrotherhoods, chaplainships, the religious charity institutions, the monasteries, the mortuaries of pious works, etc., like so many other corporations that snatched from civil life numerous activities or which absorbed individual feeling in the annihilating rules of the foundation and in the contrast between their amazing collective power and the pitiful weakness of a solitary man.

These corporations represented the intimate and medular constitution of Spain; their legitimization is to be found in all her laws and although her power decreased with the time, so great was the supremacy they enjoyed that with the legal dispositions concerning them the Laws of Party begin as also the Compilations following them, disseminating afterwards throughout all those bodies of Spanish law.

In a society where the normal and regular mode of living is corporation and moral person, although it has been for exclusively religious motives in its origin, it is no wonder this institution invades every kind of manifestations of human life: indeed, on one hand, contagion is unavoidable and, on the other, the individual, weak and rickety, seeks strength in corporation.

New moral personalities emerge obeying this noble tendency no longer to sustain a religious ideal and under this appearance comprise the largest part of national wealth, but to give employment to intellectual and manual activity and even to keep up the lustre of a name and the noble lineage of a family. Scientific and even elementary instruction resort to the juridical fiction and incorporate in the Universities, seminaries, Brotherhood of St. Cassian's Congregation, Medical Colleges, Veterinary Col-

(1) We omit mentioning the incapacities the Laws of Partida consign against Moors and Jews. Those incapacities inspired exclusively by utter religious fanaticism, grew pale before the monstrous laws of expulsion of the individuals of those races issued by Ferdinand and Isabella the Catholic, in 1492 and 1502. An irreparable political error, an actual economical suicide depriving Spain of pecuniary elements and of intelligences and hands which perhaps would have assured for ever the agricultural supremacy of the Spanish people in Europe.

leges, etc. Industry and Commerce awake at the call of Renaissance and take the form of guild and consulate. The spirit of invention and economical propagand encourages the activity of the individual which gets organised in the «Society of Friends of the Country,» this being a corporation. In one word, almost any individual effort fails, in the body, the guild, in the moral person where the individual is a sporadic forlorn being confounded in the shapeless mass of an indefinite aggregation. Little, hardly anything, gets organised in the form of the definite and concrete cooperation of a civil and mercantile society, the only collective institution that stimulates individual action. (Books I and VIII, Nov. Recop.)

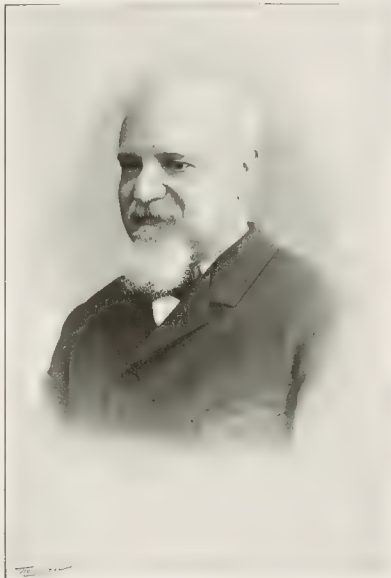
And what more! When there is no other thing, no other idea to be erected into a moral personality the mobility of property is sacrificed and the beneficiary's civil capacity to dispose of his estates is limited by the institution of heirship and entailment which, in essence, is but the fiction of a moral person, the «Hieratic Lustre,» the «Nobility Title» as sole proprietor of the entailed estates and under him the beneficiary who only has the usufruct. (Book X, title XVIII, Nov. Recop.)

And these institutions were transplanted to Mexico, but here the evil became graver. The heroico-religious mood which engendered them in the mother-country, once more excited and whipped, before the perspective of the conquest of a new world and the religious conversion of a new race, besides conserving the class distinctions and the corporations, infused the latter new life and established the distinction of castes in America.

Two tendencies, albeit divers, concurred towards the same result: domination and protection to the Indians.

The tendency of domination produced in the religious and the civil respect the institution of the doctrines and the reductions of the Indians. «With much care and special attention they always procured to interpose the most convenient means for the Indians to become instructed in the Holy Catholic Faith and Evangelical Law and that forgetting the errors of

their old rites and ceremonies they may live in concord and police; and in order that this might be done with better success, several times the men of our Council of Indies and other religious persons joined and congregated the Prelates of New Spain in the year one thousand five hundred six and forty, by command of the lord Emperor Charles V, of glorious record, who wishing to be successful in God's service and ours, resolved the Indians to be reduced to villages and not to live divided and sundered by wild beasts and mountains, depriving themselves of all spiritual and temporal benefice, without the succour of our Ministers, and that which the human needs oblige men to minister one another and the convenience of this resolution having been acknowledged by several orders of the Kings and Lords, our predecessors, the Viceroy, Presidents and Governors were charged and ordered to execute with temperance and moderation the reduction, population and doctrining of the Indians with so much sweetness and meanness, that, not causing any inconveniency they might induce those who cannot settle at once, seeing the good treatment and sheltering of the people already settled, to come willingly and offer settling, and it was ordered no more impositions should be paid than those already laid on; and because the above stated things were executed in most of our Indies: We order and command them to be kept and accom-



Lewis Mendez

plished in all the remaining, and the Commendators to solicit according to, and in the form, declared by the laws of this title.» (Law I, tit. II, Book VI of the Recop. of Indies.)

The protection tendency engendered the distributions, commendams and communities of indigenes and gave rise to the system of perpetual minority of the Indians. «As soon as the pacification will be obtained, the law I, tit. VIII, Book VI, Recop. of Indies states, and the natives will be reduced to our obedience, as it is ordered by the laws treating thereof, the Pioneer, Governor or Pacifier, on whom this faculty may be incumbent, shall distribute the Indians among the peoplers in order that every one of them may take charge of them that belonged to his share to defend and shelter them, providing a minister to teach them the Christian doctrine and minister the sacraments, keeping our patronage and teach to live in police, doing the remaining things the Commendators are obliged to do in their commendams, according to the disposition of the laws of this book.»

The ever increasing power and influence of the Church in New Spain, the absorption of the indigene in the community to whose coffers the scanty produce of his labour passed after paying the taxes, tithes, etc.; the isolation, little less than deportation, of the indigene in the reduction and in the doctrine school, whence he was not permitted to leave, the perpetual and compulsory commendation or tutelage, with the services it implied and the civil incapacities, were as many elements of depression of individual feeling and the juridical personality of the members of the submitted race.

The indigene was a father or a husband and his civil rights as such were nullified under the tenacious and persistent religious intervention; the indigene was a land owner and his dominion was involved in the community's or he was hindered to dispose of his goods, without judicial consent and previous subhastation when the value of the thing exceeded thirty pesos; the indigene wanted to vow himself to the cultivation of the ground or any industry, art or craft and there were the commendam and the reduction to hinder his passage from one place to another, not counting that his labour was taxed beforehand by the law. (Book VI, Recop. of Indies)

How right the Mexican statesman Lawrence de Zavala was to say the Laws of Indies were «a prescribed method of domination over the Indians» and profounder still are the following words of the known jurisconsult Hyacinth Pallares: «The reductions made by the missionary had an absolute character of isolation and independence under which, segregated from the general law, there were formed the so called Republics wherein, keeping the few traditions of the ancient caziqedoms, all was exceptional, all tending to conserve the race and its populations in a greater state of abjection, than that they were in under the tyrannical mode of living anterior to conquest. The reduction was made under the influence of the doctrine teacher; the reduced Indians, forming the commendator's capital, raised the first edifice, the church, dedicated to a saint who gave the village his name, edifice that always had the proportions of a fortress; at the foot of that temple the village extended, formed of weak, small and miserable houses whose model was the *jacal* and those houses, and the tillage and pasture grounds allowed to each village, did not represent individual property, but the community's, a system created in order to take from the Indian the last profile of his personality. His labour, in its produce, belonged to the commendator, to the King, whom he paid the tribute; to the *community* which he vowed a part of his toil; to the tutelar saint and to the doctrine teacher or curate who was the discretionary power of those miserable societies. To the villages primitively formed on the ruins of the old ones they conserved the grounds formerly belonging to them but with the character of *communal ones*; to them the new reductions were subjected, which, increasing, made themselves independent, with no contact between each other, without common interests, but divided by rivalries of origin, and, above all, by the avarice of the common country...»

«The embodiment of the family in the community, the absorption of work by the tribute, the application of that personal work to an object alien to the family, and the isolation and complete segregation of the settlements of the indigenes from those of the Spaniards, the former subjected to the exclusive influence of the doctrine preacher, such are the characteristic features of the Spanish kings' policy regarding

the indigenous race. In compensation thereof we see the innumerable protecting laws, explanation of the Catholic queen's testament, all of which tend to shield the Indians against the cruelty of the conquerors, denounced to the world by the bishop of Chiapas. Those protecting laws, almost never executed, produced, by the aureole of humaneness they created for the kings of Spain, two results, a social and a political one, of a decisive influence on that race and on the future destiny of the Spanish-American peoples; they kept that race under tutelage, preventing its blending with the colonists; they raised the personality of absolute power to the loftiness of a superior being, far off, like a God; like him, benevolent and protector of the helpless and wretched.»

However, in the last decade of the XVIII century, by a historico-scientific filiation which it is not incumbent on us to explain, a double movement of liberty and equality, but generating principles of civil personality, had roused on the other side of the Pyrenees the most transcendental revolution of modern times, since its social and political program, overstepping the frontiers of the French nation, went to transform in Spain the dominant ideas and to find, through that country and also directly, an intense echo, in the Americo-Spanish world.

The principles of liberty and equality that founded the sovereignty of the nations on the hypothesis of a social contract whose theoretical plasticity made it adaptable to all times and all places, found in Spain a propitious ground to germinate in and when it came to ripeness, could fructify under the auspices of a progressionist faction on which the Napoleonic invasion bestowed all the prestige of a National party.

Those same principles which subreptitiously had come to New Spain, provoked there, under favourable concomitant circumstances, the political emancipation movement which after a long struggle brought us national independence and at the same time created a political party; this party became the apostle of advanced social reforms and at last converted such reforms into dogmas of our public law.

The progress realised by the new ideas in Mexico regarding juridical personality, are to be seen by the following legislative dispositions, some of them issued by the government of the mother-country, outcome of the new regime, the others dictated by the insurgent Mexican chieftains and government and later on by the constituted powers when our nationality had made its appearance.

Slavery was the institution whose characters manifested themselves more monstrous: to distinguish the human beings in civil persons apt to have rights, in intelligent machines susceptible to be possessed in property was an inconceivable absurdity in face of the new ideas.

Slavery, therefore, was the first legal institution of our ancient regime that disappeared. The liberator Hidalgo proclaimed its abolition in the famous decree of December 6th 1810, which decree, when Mexico became independent, was sanctioned by the Congress of the New Republic, on July 13th 1824 and successively confirmed by various treaties, among them that of friendship, commerce and navigation with the United Kingdom of Great Britain and Ireland, of December 26th 1826 and that of abolition of slavery, of June 13th June 1843, by the decrees of September 15th 1829 and April 5th 1837, by the Constitutional Organic Bases, of June 12th 1843 and lastly by the Federal Constitution of February 5th 1857 which is actually in force.

If the toleration of slavery as a legal institution was repugnant, the subsistence of seigniories, as a source of privileges and franchises, and the continuation of the castes and races as a foundation for juridical and political distinctions, were incompatible with the new social doctrines proclaiming the original equality of all men and the injustice of prerogatives based on birth.

Under the influence of these ideas and of such feelings, the Spanish Cortes proclaimed at first on August 6th 1811 and confirmed afterwards on April 14th 1820, when Constitutional Government was restored, the suppression of jurisdictional seigniories, the terms vassal and vassalage, and all the real and personal services, exclusive, prohibitive and privative privileges derived from those titles.

The same Spanish Cortes decreed first on February 9th 1811 and on March 18th and November 9th 1812, and confirmed, afterwards on April 29th 1820, the social and civil equality of Spaniards, Indians and Mes-

tizoes, the abolition of the *mitas* or distribution of Indians and of all personal service on that title or a similar one.

For his part the insurgent generalissimus Joseph Maria Morelos, on October 13th 1811, issues a decree suppressing the distinction of castes and races and declaring that all inhabitants are Americans.

The Constitution issued by the insurgent Congress of Apatzingan, on October 22nd 1814, institutes the equality of all the natives of America and the naturalised foreigners and disavows any transferable or hereditary title and such as was not due to service done for the State. The same principle of equalness is established in the Plan of Iguala, base of our Independence and successively confirmed in the decree of September 17th 1822, and in the constitutive Act of January 31st 1824. The decree of May 2nd 1826 declared extinct the titles of count, marquis, knight and all of equal nature. Finally, the Constitution of 1857 consecrated the same principle of equality and the identical suppression of the titles of nobility and any hereditary honours and prerogatives.

More difficult than the anterior reforms was that referring to the suppression of the privileges and special jurisdiction bestowed on military persons and ecclesiastics, in so much as classes.

To suppress slavery and the distinction of castes and races was to give vent to humane feelings causing an odious institution to cease, beneficial to some few and repugnant for the least exquisite moral sense.

To set an end to the jurisdictional seigniories which royalty had been slowly but efficaciously undermining and to set them an end when the theories in fashion proclaimed sovereignty was a direct emanation of the people, and nowise the patrimony of determined persons or families, did not require a stupendous exertion. Nor was such necessary to suppress the nobility titles in Mexico where our lineage was not of the oldest and noble families visited the country only every once when a new viceroy arrived from the mother-country.

Both distinctions, on the other hand, were opposed to the new ideas that did not acknowledge any privileges or incapacities derived from birth.

But to pull down the ecclesiastic and military privileges and fueros was a different thing; there were no humane feelings against them nor were they founded on birth; in favour of them there was the moral power and physical strength of the religion and the arms; and although their prerogatives were somewhat restrained they were still sufficiently desirable to move the holders to prepare for defence.

The problem of reform was, thus, different and under its two aspects, the military and the religious one, a tremendous political struggle was in sight.

Neither the Spanish Constitution of 1812 nor the Mexican Constitutions of 1814 and 1824 dared to make innovations in that matter: all conserved the existing regime. Hardly, as for the military class, the law of September 15th 1823 suppressed in their fuero the cognizance of testamentary executions of their members, coming back to the colonial system by the decree of October 12th 1842.

Something, however, that was not a struggle but the origin of the disorganisation of the religious class was initiated, first by the Spanish Cortes and later on by our Constitutional Government.

A commencement of secularisation, that is to say, the first door opened to come out of the corporation rules and enter into the normal system of associations, losing the privileges and reacquiring the general civil capacity, is instituted by the Spanish Cortes, by their decree of September 11th 1820. In virtue thereof they suppress all the monasteries of monks, of canons, of some orders and congregations, the convents and colleges of military and hospitaller orders; they establish rules and restrictions for the discipline of regulars and the creation of new convents and they grant pensions for the regulars who wish to get secularised, both men and women, nationalising all the estates of the suppressed monasteries, convents and colleges.

The federal Republic goes farther on; the decree of November 8th 1833 is issued suppressing most terminantly, all civil coercion, direct or indirect, to oblige monks or nuns to continue inclosed and obedient to their prelates. Notwithstanding, the intervention of civil government continues helping the prelates regarding those who prefer to remain in their community.

The blow was forefelt by the Church, especially after some sporadic cases had happened of secularisation of estates having belonged to several branches of the clergy. Church allies with the army and an eager struggle begins in our country between this party called conservative whose warcry is «Religion and Fueros» and the liberal party proclaiming freedom and suppression of the privileged classes.

What this struggle was may be seen admirably synthesised by the conspicuous thinker Justus Sierra elsewhere in the present work. Its result was the triumph of the liberal party under the auspices of the Ayutla Plan reformed at Acapulco and its consequences were the abolition of the ecclesiastical and military fueros and privileges.

The law of November 23rd 1855 began the demolition work. As sole special courts it recognised the ecclesiastical and the military ones, but it considerably restrained their action.

It deprived the ecclesiastical courts of the cognizance of civil affairs and although it conserved their jurisdiction regarding common crimes of the individuals under this fuero, it declared the same renounceable.

It likewise suppressed the military fuero for civil causes and allowed its subsistence only regarding merely military crimes or the mixed ones of persons subjected to that fuero.

The Constitution of 1857 advanced further and achieved the work. On one hand it established that «nobody can be judged by *privative laws* nor by *special courts*. No person nor corporation can have *fueros* nor enjoy emoluments not being the compensation for a public service or fixed by law. *The war fuero only subsists for crimes and faults exactly connected with military discipline.*»

These constitutional principles set an end to the privileges and incapacities formerly derived from the privative laws for the military and ecclesiastical classes and destroyed the fueros which had given those classes so much supremacy; because even the war fuero did not signify the

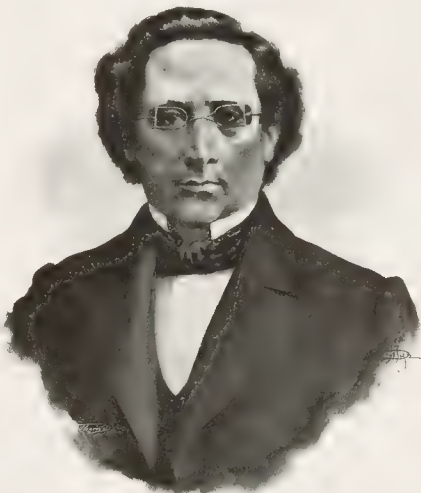
subtraction of the military *as a class* from the ordinary authorities, but the organisation of a court exclusively destined to take cognizance of determined cases by reason of the matter.

On the other hand, the same Constitution prevented that law might perchance authorise any contract having for its aim the loss or irrevocable sacrifice of a man's liberty for the cause of labour, education or a *religious vow*.

Since then, civil coercion ceased to be an auxiliary of religious discipline and they prepared absolute independency between the Church and the State. This was instituted, confirmed and at last elevated to the rank of a constitutional precept by the nationalisation laws of July 12th 1859 and their relatives, by that of liberty of worship of December 4th 1860 and by those of absolute suppression of all monastic orders, of September 25th 1873 and its organic law of December 14th 1874.

Who in our company has followed in its prominent features the juridical evolution of the personality of the individual in relation with the distinction of classes, castes and races, will be able to appreciate the transformations which that same personality has suffered in comparison with the corporations and moral entities.

Under a social system where birth is the origin of the right of seigniori or the stamp of nobility



Joseph Maria Lafragua

is at least a title to have social preeminencies, it is to be conceived that the properties wherein the seignior and nobility prerogatives are entailed, will be conserved perpetually in the hands of the titular whoever he may be, for in this manner the persistence of the class is insured. But when seignior being a dismemberment of sovereignty is declared to correspond to the nation or people and still more, when prerogatives cease to be an attribute of nobility and on the contrary, the original equality of men is affirmed, the entailments of property have no longer any right to subsist; far from it, there are economical motives claiming their disappearance. An entailment, is a successive usufruct which they endeavour to exploit not heeding the improvement of the estate; it signifies, besides, a complex of properties hindered to reach the hands most appropriate to work them. It is not strange, then, that the disappearance of that juridical entity enlivening the hieratic lustre of an escutcheon did not provoke any other opposition than that of the immediate successors of the titularies of the entails; an opposition allayed by a transitory precept disentailing only half the estates for the then existing generation. Such is the simple and rapid evolution of the entailments: after the Spanish Constitution of 1812 there must come and there came the law of September 27th 1820; for that evolution was but the consequence of another more transcendental one we have already explained. The Mexican Congress by decree of August 7th 1823 confirmed and generalised the afore mentioned Spanish law and consequently declared free property all kinds of primogenitures, entails, patronages and laical chaplaincies, and any other species of entailments of landed estates, movables, chattels, oaths, dooms or of whatever nature.

In the same manner the laical corporations of a private character were suppressed under which the active elements of society had taken shelter to dedicate themselves to production.

With the decree of July 8th 1813 authorising the free exploitation and separation of private estates, as also the sale of their products without subjecting them to any taxation, the Spanish Cortes issued another decree, of the same date, declaring natives and foreigners free to establish manufactories without needing a licence (safe police regulations) and to exercise any industry or trade without examination, title or *incorporation with the respective guilds*.

The Mexican Congress, in its turn, decrees on October 16th 1824 the suppression of the consulates and on May 20th 1826 suppresses the juridical, governmental, *economical and directive* functions of the Mining Court.

Guild and corporation, as economical organs of production, had ceased to have any purpose since the moment civil liberty and equality had been assured for the individual under the empire of the new regime.

But the same thing did not happen with the moral corporations and entities owing their existence to a religious ideal. The motives the Church had to defend the personal privileges of her members impelled her to tenaciously dispute the subsistence of the prerogatives and illimited civil capacity of religious corporations and foundations in so much as moral entities.

Since very remote times already restraints had been laid on the capacity of acquisition of those entities and we have an interesting report thereon by the cited author (Hyacinth Pallares) of the work: *Curso completo de Derecho mexicano* (A complete course of Mexican law); but in spite of such restrictions, Church and the religious institutes had multiplied so much and so great was the wealth accumulated by them, that according to the statements of three Spanish statesmen, the immovable property nearly mortmained was equivalent in 1764 to two thirds of the Spanish territory, and the members of those corporations, priests, monks and nuns, represented little less than 1 per 100 of the total population. A year before, in presence of the gravity of the evil, king Charles III instructed his Counsel of Finance, permission for new acquisition of landed estates should be denied the mort-mains by reason of the «intolerable prejudice arising for public welfare from the fact that under the title of an illunderstood piety the patrimony of laymen is coming to an end,» and in 1795 an impost of 15 per 100 was established on the amount of every landed estate that would be amortised.

By Royal Decree of September 19th 1798 Charles IV orders the alienation of all immovable estates

belonging to hospitals, hospices, charity, reclusion and foundlings houses, brotherhoods, memorials, pious works and patronages of laymen, destining their produce to the redemption of government bonds and acknowledging thereon an interest of 3 per 100 a year. By decree of the same date the temporality goods of the regulars of the extinguished Jesuit order become incorporated with the Royal treasury.

The policy anterior to these Royal letters had been to restrain the amortisation; the new policy imposed by the economical interests announced the era of redemption and nationalisation: indeed, the Spanish statesmen felt the contagion of the new spirit of the epoch that had led Mirabeau to impugn the foundations being a regime wherein property was subordinate to the will of the dead in stead of being utilised for the needs of the living; of that same spirit which had caused Theuret to say: «The corporations are but a fiction, an abstract conception of the law which can make or constitute them at its will and after having made them, may modify them as it pleases... and the reason why the suppression of a corporation is no manslaughter nor can be called so, is the same which hinders the revocation of the faculties granted those corporations to be, or to be allowed to be, called a spoliation or a plunder.»

The royal letters patent of king Charles IV, dated October 15th 1805, issued in conformity with the Brief of His Holiness Pius VII, ordered the secularisation of the ecclesiastical estates with acknowledgement of their same annual rent, upon the Royal Bonds Consolidation Treasury.

Long is the history of the laws that have been issued successively with posteriority to the above mentioned; however, they may be summed up in these two conceptions: secularisation exclusively inspired in economical necessities; nationalisation in all the cases in which the moral entity was suppressed because its existence was considered useless or pernicious.

The Spanish Cortes, considering the Inquisition incompatible with the new system of government, suppress that tribunal by a decree published on February 22nd 1813 and by another of same date they nationalise all its estates, and on March 20th 1820, Government destines the same to the payment of the interest of its debts. The Mexican Congress, in its turn, orders that the said estates and all those proceeding from extinguished communities shall be sold in small lots.

Analogous dispositions are dictated by the Mexican government regarding the pious Californians funds, estates of Jesuits and the California missions, in the first period of the federative regime.

But all the anterior legislative dispositions had been isolated resolutions of concrete cases: the economical situation of the country and still more the politico-military situation, claimed a more general measure and at length, the hour struck when, once for ever, the country was to synthesise its tendencies and aspirations regarding the *mortmains*. The liberal party which, under the standard of the Ayutla Platform reformed at Acapulco, had again attained power, after General Santa Anna's dictatorship, developed its program by means of the laws of June 25th 1856, July 12th 1859, December 4th 1860, February 5th 1861 and several others and carried it perfectly through amid the frightful three years civil struggle that brought us, later on, the foreign intervention.

The first mentioned law secularised all the landed estates of civil or ecclesiastical corporations, comprising the religious communities of both sexes, fraternities and archfraternities, congregations, brotherhoods, parishes, boroughs and colleges, and, in general, any establishment or foundation of perpetual or indefinite duration. The buildings immediately and directly destined for the service or purpose of the corporations were excepted and as for the remaining immovable goods, they were secularised by means of adjudgment in auction to private persons with acknowledgement of their value at 6 per 100, under the title of a quitrent totally or partially redeemable by acquirer or bidder. As for the distribution and community grounds, they were ordered to be shared and adjudged to the respective indigenes. (Resolutions of November 11th 1856 and November 16th 1860 and others.)

To prevent the execution of this law clergy roused the Three years war and as a consequence of such a rebel attitude, the liberal Government issued the law of July 12th 1859, consecrating thereby the principle of independence between Church and State, suppressing all the existing regular orders and all the archfraternities, congregations or brotherhoods annexed to religious communities, to cathedrals, pa-

ishes as any other churches, forbade the erection of new institutions of this class and although the nunneries were conserved (an exception that was suppressed afterwards), the noviciates were shut, every new vow or profession of faith was forbidden and finally, all the goods of ecclesiastic corporations were nationalised.

On February 2nd 1861 all the hospitals and charity establishments managed by ecclesiastic authorities and corporations became secularised.

Lastly, the constitutional reform of September 25th 1873 solemnly confirmed the capital principle whereon the secularisation and nationalisation were founded and the law of December 14th 1874, regulating the reform, defines in the following precepts the juridical personality of the religious institutions:

«The religious associations represented by their superior everywhere, have the right:

» I. Of petition.

» II. Of property over the acquired temples, in conformity with the anterior article; this right will be regulated by the particular laws of the State in which the buildings are situated, when the association will be extinguished in every locality or when the property will be abandoned.

» III. Of receiving alms or donations which can never consist of landed estates, advowson thereon, nor of bonds or promises of future accomplishment, either by dint of testamentary institution, donation, bequest or any other class of bond of that kind, for all will be nul and ineffective.

» IV. The right of receiving those alms in the interior of the temples by means of the questmen they may name, in the conception that the nomination of such questmen for outside the temples is absolutely forbidden, those they might name being comprised in article 413 of the Penal Code of the District, this article being declared in force throughout the Republic.

» V. The right consigned in the following transitory article.

» Besides the mentioned rights, the law does not acknowledge any other to religious societies with their character of corporation.»

Such is the evolution of the conception of civil personality; by means of the same, all distinction between the physical persons, by reason of class or caste, has disappeared, there only remaining those differences that derive from nature which the law has not meant to disown; every moral person is a fiction of the law which the State may authorise or suppress, whose capacity may be amplified or restrained according to whether the fiction and its attributes are compatible with public weal or are opposed to common welfare and it is on these bases that our legislation rises consigned in the civil Codes of the country and in the laws on the matter and that of Charity not codified; wherever an association for aims of private utility, not hurting the principles of public morality, is constituting, that association is recognised beforehand by the law, because only the private person knows his particular interest and the goods affected to the same are not withdrawn from the general movement of wealth. On the contrary, whenever a society of public interest is pretended to be organised, it needs to be acknowledged by the State, because this is the sole competent entity to resolve about the public convenience of the institute and to decide whether such convenience justifies mortmain; but always under the conception that no institution of this kind will have the faculty of entailing immovable riches, unless it be the buildings directly and immediately destined to the purpose of the institution (1). As for the Church, she remains excluded from all landed property and from capitals imposed thereon.

To the evolution of our laws on this matter the following words of laureate professor Hyacinth Pallares may be applied:

«And then they (the aggregations, the guilds, the juridical sovereignties of privilege) died as auto-

(1) The newest constitutional reform (1901) allows the charity institutes the acquisition of landed estates, with subjection to the laws about the matter. We need not say that in our opinion this is an inexcusable retrocession before the faculty granted by the Constitution to acquire capitals imposed on those estates and before the easy forms of mobilisation of the same goods recognised by modern right.

nomous organisms, not decapitated by a «coup d'État» or by the work of a violent reaction towards caesarism, but by natural atony, because a vacuum was growing around them, because their ministry in history had ended. What necessity was there for a man to shelter himself under the fueros of Aragon when the fueros of Aragon had become the fueros of the whole nation? Wherefor seek guarantees against the State for the freedom of work in the protection of the guilds when liberty of work was proclaimed a natural and unviolable right of every man? Who will ask the privileges of the Sevilla Contractation House or of the East-Indian Company a patent of liberty for traffic, when modern public right proclaims the liberty of the seas, the liberty of the great enterprises and the liberty of the continents? Why ask the University pass and the Doctor's bonnet the privilege of teaching and thinking when the political constitutions inscribe on their frontispice the dogma of liberty of thinking and printing? Why seek in the privileged rites and the rigid discipline of a Church endowed with political sovereignty protection and shelter for the most sacred of rights, the right of adoring Divinity as the mind conceives and the heart feels it, when within the sanctuaries of that Church or outside thereof, when with sovereign immunities or without them, modern right, sanctioning the liberty of conscience, converted into personal immunity what formerly was immunity of determined Churches? Why ask, in one word, the traditional fueros, embodied in caducate hierarchies and institutions, for the rights which now are the fueros of humanity, the fueros of every man, the fueros of all human beings?

»Thus, at the rate human personality is rising, consolidating and affirming in its juridical individuality, the absorbent personality of the associations weakens, vanishes, decomposes into its elements, gets distributed into the new individualities that emerge out of its decomposition, the individualities of the human beings.»



Joachim Eguía Lis

FAMILY AND SUCCESSIONS

When the Fuero Juzgo appeared in Europe's juridical literature as a symptom revealing that the Spanish monarchy had contrived to cast the foundations of an ethnically homogeneous nationality, several centuries had passed since the world was beholding the sublime metamorphosis of the transitory union of the sexes into the eminently social institution of organised family.

That Code arose in a time when the ephemeral approximation of the genetic instinct, brutal and primitive, forgetting the old rights of property and despotic power over woman had risen to the heights of the lasting sentiment of conjugal love, from the oriental peoples to the founders of imperial Europe; that Code met a society which in its secular records had already lost the remembrance of the intermediate stages of polygamy and polyandry through which the promiscuousness of the prehistoric flock of men and women had become transformed, at least juridically, into the monogamic union of sexes; that Code, finally, appeared when three perdurable peoples, the Semitic, Hellenic and Latin ones, leaving behind the matriarchal form and converting the politico-religious regime of patriarchy into the juridical

institution of the family, had recognised as the civil, natural and lawful base thereof the matrimony of a sole man with a sole woman under any one of these three characteristic forms: legal marriage, concubinage and concubinage.

Afterwards the Roman law completed the evolution of the family withdrawing from the Quiritary type and approximating another more human, more natural type.

And when the *Fuero Juzgo* was preparing, the Spanish bishops who had kept the Roman traditions, incorporated, although incompletely, in that Code some of their formulas about espousals and earnest money, about the different classes of matrimony, about impediments derived from rape, concubinage or subsistent matrimony, the condition of the serf, relationship, the religious orders.

Since then, the Church continued interfering in the constitution of the family and civil power adopted her principles either directly embodying them in the laws or giving them legal force, in virtue of concordats. As the *Fuero Juzgo* is a truncate and imperfect imitation of Justinian's *Corpus Juris Civilis* in this matter, the *Fuero Real*, the Seven Parties and the Compilations are an exact copy of the catholic canons that successively came to regulate matrimony. Therefore the Spanish legislation being in force in Mexico at the end of the XVIII century, is the exact expression of the state attained by the catholic development of the matrimonial institution, since the national councils at Toledo and Agda, admitting the licitness of concubinage and at the same time the legitimacy of matrimony and establishing the impediment of consanguinity without any limitation of grades and that of the priestly orders, until the general Councils of Lateran and Trent in which the catholic evolution of matrimony was definitively consummated with transcendental reforms.

The Church acknowledged in this institution as the Roman law had established it, the characters of a contract; she also acknowledged that the physiological and social aims of that union, the fate or condition of the offspring, and public honesty required some rules relative to the celebration of marriage and to the impediments; thus she developed a complex of precepts inspired by what she claimed to be natural and divine Law. However, at the same time the Church consecrated the dogma that Christ had elevated matrimony to the rank of a sacrament and under this aspect she reserved for herself the right of interfering in the celebration of that act and of establishing the impediments that might affect the ecclesiastical law and take their foundation from discipline.

The Spanish laws reproduce that duality of essence, principles and aims in matrimony. They admit its sacramental nature and subordinate the validity of the contract, after the ecclesiastical bans to the celebration of the religious act before the parson, the witnesses and the parents of the espoused; they accept the triple distinction of matrimony in legitimate, ratified and consummate; they institute the indissolubility of the bond, formerly relaxed by the *Fuero Juzgo* in cases of adultery and only permit the divorce regarding bed and table. (Councils of Lateran and Trent, laws V, IX, tit. II, book X, Newest Compilation and laws I, IV, V, VII, tit. II, Part. IV.)

They acknowledge that matrimony is an institution which affects the customs, the progeniture and public honesty and that it has aims of a physiological and social order and they establish the necessity of the consent of the conjuncts and their parents, according to civil law, they sanction the impediments relative to defects in the consentment, impuberty, impotency, subsisting matrimony, consanguinity and affinity, crime, year of widowhood and servile condition, in the same terms canon right had sanctioned them. (Councils of Lateran and Trent and laws II, III, IV and XXIII, title II, book X, Newest Comp. and laws VI, X, XI, XII, XIII, XIV, XVII and XIX, tit. II, Part. IV.)

They accept the sacramental character of matrimony and therefore admit the interference of the Church and sanction the disciplinary impediments derived from spiritual relationship, religious or monastic vow, priestly orders, diversity of worship and ferial time. (Councils of Lateran and Trent and laws XI, XII, XIV, XV, XVI and XVII, tit. II, Part. IV.)

However, if the Church had an interest and a vital one, in regulating the matrimonial institution accommodating it to the catholic dogma of sacrament and if that interference was indispensable in spite

of its materialistic conceptions on behalf of the stability and morality of a bond which is like the foundation of social order, the same thing did not happen regarding the civil consequences of the family, husband's power, conjugal society, paternal authority and legitimate successions. Making abstraction from the baptismal sacrament and the transitory change from this life to yonder, which a promise of the Saviour had assured for humanity which justified ecclesiastical interference in the birth and decease of persons, the remaining civil institutions derived from family, according to the christian dogma, did not interest the Church, and in exchange, exclusively affected the laic power, before which they appeared as the sole civil sanction to maintain strait and fixed the ties of the family groupment.

Therefore, marital and paternal authority, the conjugal regime of the estates and the order of succession, in general terms, followed, in Spanish law, a very different development than that accomplished by the organisation of matrimony.

That development, a hybrid product of the Roman institutions of the last times, of the organisation of the Gothic family and its half-barbarous customs, reveals, at the point it arrived at the end of the XVIII century, two tendencies: a predominant one, characterised by the intention to maintain the solidarity and discipline of the family under the absorbent authority of the head; the other, a secondary one, directed to prepare the education of the new generations under a criterion not quite propitious to the feeling of responsibility for one's own acts, to *self-government*.

Beside the universal society of gains by half, which inspired by a feeling of equableness common to all modern Europe replaced the Fuero Juzgo system regarding the proportion of the acquired goods to those brought in, tradition conserves the absolute incapacity of the married woman to enter into any contract or obligation in a suit or outside thereof, without a marital license or a judge's, in absence or irrational dissent of the husband. (Tit. IV, book X, Nov. Recop., and laws XI-XV, tit. I and X, tit. XX, book X, Nov. Recop., with their antecedents in the O. O., R. R. Seven Parties, F. R. and laws of the Style.)

Beside the tutelage of the impuberals, the guardianship of minors under twenty five years and the restitution *in integrum*, more or less efficacious institutions which Roman law accommodated to the education and protection of the persons that had not reached a complete development of their intelligence, by reason of their age and generalised regarding the mad, idiots, etc., Spanish law continued founding paternal power on legitimate matrimony, legitimation and adoption; gave that power irrespective, of the son's intellectual capacity or incapacity, an indefinite duration terminating as in Roman law, by the death of father or son, by the emancipation of the latter or his elevation to certain dignities, to which they aggregated the son's matrimony, abandonment or exposition or the religious profession, this latter due to the eminently mystic criterion of that epoch; it attributed to the paternal power not only the faculty to correct and moderately chastise, not only that of contracting the son into pupilage or apprenticeship, both faculties entering into the rational orbit of the children's education, but the barbarous right of pledging and even of eating the son in definite cases of extreme necessity; and over the goods it conceded the father the right of property and usufruct, for the profectitious and for the adventitious, the latter with certain restrictions in cases of the son's matrimony and emancipation. Regarding woman, the law established a system incompatible with the social emancipation of the sex, with its appearance as an economical factor, by means of incapacities for public charges, to be testamentary witnesses, to be guardians except of their children or grand-children, to practise lawyership and to be trustees reaching the extreme of authorising them to excuse themselves in contracts by their ignorance of the law. (Titles XVI and XIX, Party VI; tits. XVII and XVIII, Party IV; laws 3, tit. IV, and 3, tit. VI, Party III, and 2, tit. XII, and 3, tit. XIV, and other numerous ones of the same Parties.)

And as a consequence of the solidarity of the family, as a means, also, of keeping it, the successional system is instituted on the base of the reciprocal legitimates between ascendants and descendants. Not that, if there is no will, that of the author of a succession be presumed and the system of inheriting *ab intestato* established; no, certainly not; in the Spanish family the regime of community of property

is persisting, at least partially, since not, like in the first Roman times, in an absolute manner under the system of the *heredes sui et necessarii*. The legitimate descendants are the heirs at-law of the ascendent in the four fifths parts of their properties; the legalised ascendants, with no character of legitimate, are heirs to the descendants in two thirds, when there is no succession of the latter. The legalised descendants, without a legitimate character, the adopted and adrogated, the natural and the spurious, have not the quality of heirs at law, but they may receive by testament the free part of the property; they never enter into intestate succession unless for want of legitimate descendants; that succession is discerned by the proximity of the degree in the transversal line in the last place entering the outliving consort, save the marital fourth part of the poor widows. Disinherison permitted for grave causes and repudiation of the inheritance is admissible; at any rate, the succession may be accepted under the benefice of inventory. (Title XX, book X, Nov. Recop. and their antecedents in the laws of Toro.)

Such is the legal organisation of the family and the institutions concerning the same, under the colonial regime. Let us now see what its evolution was in independent Mexico.

To change the dominant feelings shaping the organisation of family, the respective position of its members, the capacities or incapacities derived from that position and the regime of the successions, is the result of a slower transformation than that operating in the institutions directly concerning the organisation of society. The ties being straiter, it is more difficult to loosen them; the influence of the sympathies derived from blood and intimate life in common being greater in the relation between the members of a family, it is more difficult to touch those relations without deeply hurting the individual's feelings; family organisation being less complex, less changes are possible than in society.

These causes which, in general terms, constitute the foundation of misonic tendencies about family, preponderant even in emancipate minds, combined with the absorbent attention the country consecrated to the reform of its whole social organisation, justify the immobility wherein the institutions relationed with the civil state remained.

But when in consequence of the evolution we have pointed out when speaking of human personality, the liberal ideas endeavoured to obtain the emancipation of the State and its interference in every institution affecting social interest, the same spirit that advised secularisation as necessary for public welfare and later on realised nationalisation as a consequence of the suppression of the civil personality of the Church, secularised the functions referring to the civil state of persons, advancing gradually from the creation of a civil register collateral with the parish registers to inscribe therein the births, adoptions, adrogations, marriages after a precedent religious ceremony, and obits to declaring that the verification of the acts of the civil state is a merely laical service of the State; that civil marriage, independently on all religious bonds, is the only one acknowledged by law, and that, the independency between Church and State not permitting to subordinate that institution to any religious creed, its characters, the requisites of its celebration, its impediments, its nullities, the motives of divorce and the controversies about all these points, correspond privatively to the State. (Laws of January 27th and 30th 1857 and July 23rd and 28th 1859.)

The law of July 23rd 1859, thus secularising marriage, transformed the bans at the parish into official publications, the mystic rites of the sacrament and the nuptial benedictions into the solemn declaration of the representative of society of uniting one sole man to one sole woman and keeping, in general, the other rules relative to the conditions of the contract, indissolubility of the bond and the impediments, omitting among the latter those which had already disappeared concerning the different social condition of the consorts; it suppressed all those that had their foundation in considerations of a religious order, monastic vows, priestly orders, disparity of worship and spiritual relationship; it reduced the impediment by relationship of collateral consanguinity to the fourth degree exclusively, and lastly, conserved divorce from bed looking for equality between the consorts, for causes that might render cohabitation impossible. The relationship of affinity in the direct line was also consigned as an impediment in the decree of May 2nd 1861 with at the same time the dispense of the impediment between uncles and nephews.

The reform of September 25th 1873 declared: «Marriage is a civil contract. This and the remaining acts of civil state of the persons are of the exclusive competency of the functionaries and authorities of the civil order in the terms provided by the laws and will have the force and validity attributed them by the same.» In this manner the laws of Reform were raised to the rank of constitutional precepts and the laical bases of the family consecrated.

They had already been developed under a criterion alien to the religious idea, although still conservative, in the Civil Code of 1870. By this espousals were suppressed and marriage instituted, as a civil and indissoluble contract on principles fundamentally equal to those set down in the preceding laws; it is established that the husband is the legitimate representative of the wife and the manager of the acquired properties of the society erected in conditions of equalness, independently on and without prejudice, of the marriage articles and dower; it keeps the wife's incapacity to enter into any contract or engagement, without the license of the husband or the judge, in case of irrational dissent, determining as unique exceptions the defence in a criminal suit, the disposal of property by will and actions against the husband and the legitimization of natural children is restrained admitting as the sole means the subsequent marriage.

But if in the anterior points it does not introduce important innovations, instituting paternal power it radically changes the old system and founds that power *exclusively* on the purpose of the education, instruction and preparation of the offspring for autonomic life. It discerns paternal power with regard to the legitimate or legalised children and the acknowledged natural ones; it grants the same successively to the father, the mother and the grand fathers and grand mothers, admitting that «modern society has waived the old prevention against women,» although it authorises the father to name consultors to advise the mother; it reduces the attributions of paternal power to educational and preparatory aims, abolishing the old barbarous rights over the person and as for the estates it grants the son the usufruct, management and property of those he has acquired by his work and concedes the father the administration of half the usufruct of the remaining goods, solely for the time paternal power is lasting (the profectionary goods remain in the same conditions determined by the donor); finally it declared the extinction of paternal power, by death, emancipation and majority of age fixed at twenty one years, epoch considered corresponding to a person's psychological development and natural capacity.

Tutelage is instituted for the protection of minors and the incapable, and superintendency to watch the guardian, the incapable enjoying restitution *in integrum*. However, there are two principles that continue apparent in this Code: the incapacity of women for certain charges and for determined contracts and the incapableness of the prodigals.

Finally, continuing the tradition of the community of goods of the family kept in the special laws of May 2nd and August 10th of 1857, a tradition absolutely contradictory to the economical interest and even the morality of the family herself, conserves, although with modifications favourable for the natural and spurious descendents, the systems of the legal portions. The Commission authoress of the Code, leans this system on ideas of convenience and domestic concord and expresses herself in the following terms:

«These reasons decided the Commission to sustain the hereditary right by will which moreover is acknowledged by our legislation, admitted by our customs and sanctioned by our feelings...»

«...The main question is the one regarding the illegitimate children who by the Spanish laws were doomed to suffer the penalty of a fault they were the victims of. And although the law in force already did them due justice, the Commission has thought a system might still be combined which, being more useful to the hapless fruits of culpable unions, would not prejudice the interests of the legitimate children nor hurt anywise the just respect due to marriage. After conscientiously examining the relative precepts of the modern Codes and discussing with endeavour the most adequate means to accomplish an aim of so much gravity and moment, the Commission adopted the plan contained in the articles 3.463 to 3.477. According to them, the ascendents, the legitimate children, the natural and the spurious ones,

have the hereditary right, and must receive the whole of the inheritance, if the heirs are all of the same class or an aliquot part, if various classes participate. The designation of those parts was scrupulously reckoned with the aim of getting at any rate, as is just, the legitimate children preferred, their rights being more sacred and consequently worthier of the law's shielding. Thus, then, when there are only legitimate children, the inheritance is of four fifths; of two thirds, when there are only natural ones and of a half when there are only spurious ones.»

«As for the ascendants, there was the endeavour to combine their interests with those of the children, having account either of the class to which these belong or of the degree corresponding to the former. Thus when there are legitimate children, the ascendants, whatever their degree may be, will only get aliments; because the law must bestow greater protection on the former and the latter are not likely to consider themselves harmed by individuals of their own family with whom they, may be, have lived and whom, as a rule, they profess a most tender love. But when they compete with natural or spurious children, those considerations largely cease, because the union is not so intimate; therefore the competition of parents has been distinguished from that of other ascendants, establishing equitable rules not harming the rights of the blood and conciliating the interests. The Commission's maxim was to give all the individuals forming the family, part in the inheritance, taking into account not only the natural feelings of man, but his social duties, the quality of his domestic ties, the age of the persons, the respect due to matrimony and public interest.»

The lapse of fourteen years was necessary to set an end to the interdiction of the prodigals and the legal portions, systems contrary to the right of property and to the benefit of restitution *in integrum*, an excessive remedy and harmful for the privileged themselves.

The Civil Code of 1881 suppressed these three traditional institutions and we cannot but transcribe here the principal reasons whereon the reform was founded. The Commission charged to report, says as follows:

Prodigals.—«If every man is to have the right to dispose, at the hour of his death, of his property as he may think best, it is just, and consistent with this principle, that he should have an equal right over his interests during his life.»

«...If public power was authorised to limit the rights of private persons, whenever it were to be feared they might in consequence of their conduct become a load for the State, it would be necessary to completely conceive individual liberty and constitute public power into guardian at law of all the inhabitants of a country.»

«...Civil life subjected to this regulation would be less free than that practised by the nuns in their convents and the yoke laid on private people would become so tiresome that they would prefer losing the protection of society rather than enjoy it at the cost of so heavy a sacrifice.»

Restitution in integrum.—«Minors live surrounded by the same circumstances as any other person; in order to manage their estates and make them thrive, their representatives need celebrate divers contracts and undergo the respective responsibilities; but as always the expectation was held of a fearful restitution, nobody could celebrate agreements with the guardians or curators, but pretending an excessive lucre making up for the risk undergone in the case the contract was afterwards rescinded. There were, thus, in the first term, most serious difficulties for the administration, and secondly, the losses to be suffered were certain when there was an absolute necessity to enter into contracts because it was not possible to find any one willing to jeopardise his funds in so insecure a business unless it was in the hope of gaining considerable utilities. This was positively harmful for the minors and so it was understood by the most eminent juriconsults.»

«...The modern legislations have abolished the distinction that formerly existed between tutor and curator giving these words a very different meaning than they had before. To-day, all minors, from their most tender age until they attain full twenty one years, have absolute legal incapableness of entering into contracts and are assisted by a tutor and a curator; the former takes care of his ward's person,

represents him in court and administers his property; the latter watches the guardian's conduct, examines the guarantees presented by the former and interferes in any act that might be onerous for the ward. The tutor requires a judicial authorisation which he cannot be granted without the curator being heard, when the question is to alienate or mortgage immovable estates or jewels and precious chattels, to make transactions in the minor's affairs, to compromise them in arbitration, to pay the credits, to celebrate leases for more than nine years and to borrow money. Besides, he must give justified accounts of his administration every year and he must bail his management by a sufficient mortgage or 'by a security tendered by a person possessing immovable estates free from any bond. The interests of the minors being thus assured, restitution *in integrum* becomes aimless, for if any agreement were entered into without the requisites established by the law, it would be legally null, not producing a legal effect of any kind.»

Legitimate portions.—«Considering man an essentially social being, the right of absolute and free property over all he acquires, is quite indispensable for him, as much to be able to achieve the full development of his aptitudes, as to enable society itself to keep tranquil and to advance on the path of progress.»

«The faculty of making a will being, of course, a derivation of the right of property, it is obvious that, as a question of principles, it ought not to suffer more limitations than those established for the practice of the same right during a man's lifetime. Now well, the laws do not impose the father, regarding his descendants, another obligation than that of breeding them conveniently and of ministering them food while they cannot provide for themselves; the children, for their part, are obliged to honour their ascendants and to alimient them when they need it; that same obligation exists between the consorts. If these obligations are incumbent on men when they live and if accomplishing them they are free in all the remaining to dispose of their property there is no reason sufficiently justifying the obligation laid on the parents to leave all their estates to their descendants, as there exists none to make parents heirs at law of their children. The duties of piety, so much considered and heeded by Roman legislation, become fully satisfied by the supply of aliments during all the time the heirs need them and the quantity sufficient to cover this necessity.»

Having followed in its gradual course the juridical evolution of the Mexican family and of the institutions related therewith, it is easy to be understood that evolution has been the result of two concurring factors: systematic secularisation of any institution affecting the interest and order of the collectivity and its transformation in harmony with the social purposes embodied therein.

Man, being catholic or protestant, doist or atheist, is obeying absolutely profane instincts, feelings and aspirations when in marriage he seeks the intimacy of life in common and the realisation of the eternal wish to perpetuate the species; to this change of state he is not led by the convictions of a religious faith nor by the persecution of mystical ideals. How, then, continue subordinating the legitimacy of the family to the celebration of religious rites and the observancy of the catholic canons, when it is possible for the pretendents to doubt the orthodox purity of those rites and those canons and, still worse, when they impugn or disdain it?

Now, when a people is organising its family upon a political or religious conception it may well, like the Roman, fix the relations between husband and wife and between ascendants and descendants, both regarding the persons and the estates, without taking into account the convenient education of the offspring, the development of cultured, noble and sympathetic feelings, the natural incapacity or capacity of the persons to manage their affairs, the advantages of the individual right of property and the faculty of disposing of one's own goods: all this becomes subordinate to the religious or political ideal. However when that people has come to understand that family is above all a social institution having for its object the preparation of the not adult generations for the struggle for life, as moral, economical and political elements, it is not strange for that people to seek in marital authority a factor of order and discipline for the education of the progeny, not extending that power beyond such limits; to make

of paternal authority a bond of mutual affections, of protection and respect which although perpetual in its moral consequences, may not bind indefinitely the civil capacity of the sons nor annihilate the feeling of responsibility for their own acts; which, above all, may consider the psychical or natural capacity to establish the legal or civil capacity and which interprets in the intestate successions, but opposes not in the legitimate ones, the feelings of the members of a family, pretending to know better than the interested himself, the occult causes of the internal conscience determining a disinherison.

And this is the transformation our laws relating to the civil state and the hereditary successions have realised in the XIX century.

Freedom of conscience imposed the secularisation of marriage and the suppression of every regulative or preceptive principle founded on religious ideas.

The new conception of the family and civil state, conception of education and preparation of the minors and of protection to those deprived of intelligence reduced to prudent terms the relations between parents and children, as for the persons and estates, during life and after death and, in general terms, instituted civil incapacity upon the foundation of natural incapacity.

However, the inercy of tradition hindered our Codes from wholly emancipating the unmarried woman and conserved regarding her, without any theoretical or practical reason, certain incapacities for some charges and to contract determined engagements, like that of bail or attorney in judgement.

The same inercy of tradition hindered to accommodate the incapacities of the wife derived from family discipline to the general state of our customs and although these show day by day that a wife enters into contracts, acquires rights and assumes engagement without her husband's license, at least within the sphere of her domestic action and her personal needs, our Codes maintained the wife's incapacity for all kinds of contracts, not even excepting the petty engagements imposed by the daily needs of domestic life.

It cannot be astonishing, therefore, that when formulating the Codes, their authors have not even thought of establishing divorce, regarding the bond. What did it matter that this institution, well regulated, meant the definitive emancipation of woman? What did it matter that absolute divorce untied before society a tie already broken before morals, a tie which the separation of the bodies renders more repugnant, odious and depressive for an innocent wife and which for a man means nothing in the practical sphere? What did all this matter, not impairing in any way the condition of the children and in exchange favouring the situation of an honest woman, when against such a progress there still stand up the secular prejudices of the Catholic councils, it must be confessed, and the conservative feeling of the eternal superiority of the male over the female?

Time, the great and incontestable leveller of unevennesses, will realise on behalf of woman all those conquests that will not meet an obstacle in the physiological difference of the sex!

PROPERTY

In the former chapters we have described the salient features of the evolution of the juridical personality and the civil state and capacity of the persons and doing so, we have necessarily been obliged to refer to the regime of the property from a subjective stand point; for he who says personality and civil capacity, says faculty of acquisition and consequently property. From the picture we have traced in both passages it may be deduced, by way of synopsis, that the evolution of property, in this country has followed the universal course of the community regime either embodied in the State, the municipalities, the associations and the moral laical entities, or identified with the religious communities, corporations or entities, or latent in lawful or legitimate succession, property has passed to be mainly and essentially the individual's, for his welfare, his improvement, and in an indirect manner, for association, in so much as this is composed of individuals. Our constitutional precedents offer the synthesis of such an evolution in these conceptions: individual property is inviolable, is the base of social institutions; cor-

porational property is a gracious act of the law limited by the same to determined goods and which may be denied in an absolute manner, disowning the existence of personality.

Now the question is to trace the evolution of property in its objective aspect, in the things which successively have been admitted to the commerce of men.

The legislation that was in force in Spain, is, in general terms, a faithful ealk of the Roman law, as for the classification of things susceptible of a property and the characters of this right as a civil institution; and that legislation passed to New Spain, although altered, regarding landed property, by the principle that all the territory was belonging to the Crown, a principle of uncalculable juridical, economical and social consequences for the country; for in virtue thereof, rural property in Mexico remained subjected to the most exasperating incertitude, both regarding the legitimacy of its origin and concerning the territorial extent comprised in the primordial titles.

That legislation servilely calking Roman law and accommodating some of its precepts to new necessities, substracts from commerce the things which by their nature are not susceptible of appropriation, those which are destined for the use of community and those which are of divine or quasi-divine right: «The things that commonly belong to all the creatures living on this world are these: air and rain water and the sea and its shores.» «The rivers, and the harbours and the roads belong to all men communally so that they may be used also by those who are of a foreign country.» «Separately are of the common property of every town or borough the fountains and the squares where they hold the fairs and markets and the spots where the council meets and the sands that are at the banks of the rivers and the other issues and the courses where the horses run, and the woods and meadows and all the other spots similar to these which are established and granted to be common of every town or borough or castle or other village.» «Any thing sacred, or religious or holy which is established for God's service, the lordship thereof is not in the power of any man, and it cannot be reckoned among his goods and although the clergymen have them in their power, they have not the lordship thereof.» (Tit. XXVIII, Part. III.)

The remaining goods, susceptible of entering into the commerce of men, are, besides the saleable and resignable offices, the same as Roman law instituted in the classification of movables, immovables, corporeal and incorporeal, fixing, according to the class, several modes of acquiring: occupation, finding, accession, tradition, prescription, inheritance, donation, legacy and trust. But in general terms, Spanish legislation, in this matter has not separated from Roman law, two important innovations have been introduced into the laws anterior to the Cortes of Cadiz regarding landed property.

The mineral wealth discovered in the colonies of Peru and New Spain, and which, by the distance from the mother-country and the credulity in all things showing a certain appearance of supernatural were magnified and exaggerated, required, from the beginning, a special attention, and produced the never interrupted series of decrees and Royal letters patent, concerning the acquisition, working and exploitation of the mines, the formation of the special Ordinances (Old Cuaderno) issued by Philip II in 1563



Hyacinth Pallares

and amended by the same Monarch in 1584 (New Cuaderno, afterwards commented by the distinguished juriconsult Francis Xavier de Gamboa), and, finally, the expedition, on May 22nd 1583 of the celebrated Mining Ordinances made in Mexico by Joachim Velazquez Cárdenas de Leon and Luke de Lassaga.

These last ordinances, universally considered a monument of legislation, developed a system taking for its base the Royalty instituted in the Laws 47 and 48 of the title 32 of the Alcalá Ordinance upon «the mines of silver and gold and lead and any other metal and also the fountains and troughs and salt wells, that are to make salt.»

The essential purpose of the cited ordinances was to indefinitely extend the number of persons dedicated to that industry and to stimulate the investment of money in mine working; the system established to realise that purpose was to preserve for the Royal Patrimony the property and to grant the discoverer of new mines or new lodes in known mines, and eventually, the denouncer, a kind of an onerous and conditional usufruct of a limited number of lots subordinating this usufruct to the payment of a part of the metals drawn out and the protection of the working of the mines with four labourers with no longer interruption than four continuous months or eight discontinuous during the year. By these Ordinances the Royal Mining Tribunal of New Spain and the Territorial Deputations were created with governmental, directive, economical and contentious competence over the material.

The Spanish laws also introduce another innovation that affects the regime of landed property; it is that referring to quitrent and hypothec which come to determine the transition between the old uncertain regime and the new regime characterised by the sureness between private people about the dominion and juridical condition of the immovables.

The enormous growth which, as we have seen, was attained in the Spanish nation and her colonies by the moral persons and the foundations, quite specially those of a religious character, created a new form of royal charge on landed estates and exacted the regulation of hypothec in conditions to become an efficacious guarantee.

The intrinsic nature of corporation or foundation is mortmain, not only by the indefinite absorption of wealth in consequence of the relative incapacity for alienating, but because the moral person maintains the economical condition of his goods stationary, prevents the investments of capital in the improvement of the productive power of his properties and his administration is limited to collect the fruits that are produced spontaneously or with little exertion: indeed, there is a want of individual interest, the fictitious entity lacks the natural force that leads man for his individual benefice to seek in the investment of capital or in the discovery of new methods and instruments the means of increasing the production of his estates in order to obtain larger commodities.

A moral person or foundation tends by the same reason to procure a fixed and sure rent, of a permanent character rather than undergo the vexation of the management of a property; to find a form, now to realise this, by which the moral person not being the owner, would enjoy a determined income, without any risk and for an indefinite term, equivalent to the landed property itself or susceptible to be converted at any rate into the acquisition of the same, such was the purpose under which the Church, presided over by the pontiffs Martin V, Calixtus III and Pius V, developed the juridical theory of the consignative quitrent, a theory accepted in the title XV, book X of Newest Compilation.

To guarantee the obligations proceeding from quitrent recourse was had to hypothec and this institution once generalised thanks to the constant impositions of clergy «it became necessary to set a remedy to the many suits resulting from the fact that the owners of houses or heritages sold them or constituted quitrents on them hiding from the purchaser or imposers the charges they were affected with.» This remedy consisted in the creation of a hypothec office for the inscription thereof under the penalty of inexistence regarding thirds of any act or contract implying the constitution of a special and express hypothec. The system was made extensive to America by Royal letter of April 16th 1783.

Such is in brief words the state of the legislation that was in force in Mexico, regarding property, at the conclusion of the XVIII century. In general terms, it merely reproduces the Roman systems and its

VOL. I.—PART FIFTH

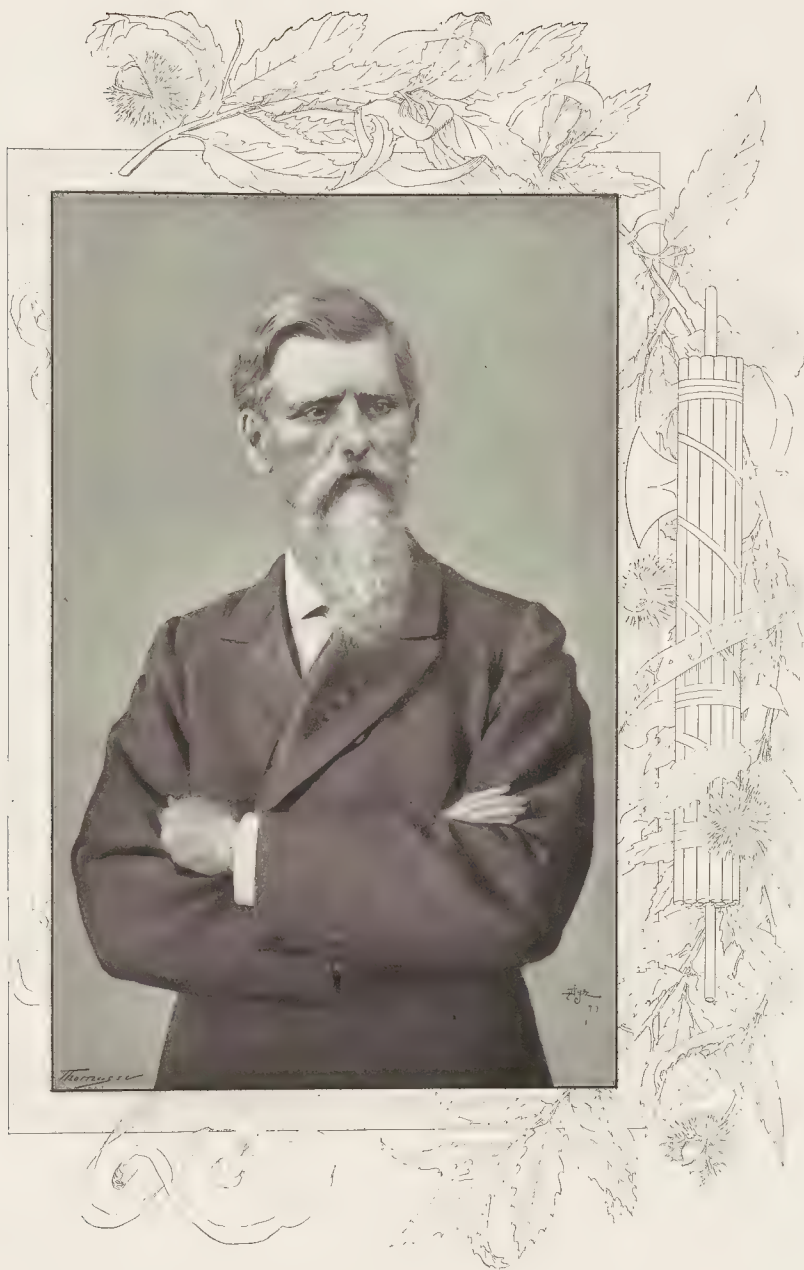
Juridical evolution

Lic. Ignatius L. Vallarta

VOL. I—PART FIFTH

THE HISTORY OF

THE EMPIRE OF



classification of goods; however, it we except the creation of the register of hypothecs which for the first time comes to partially establish the juridical condition of landed property with certain characters of security, at least regarding the existence of that class of charges; if we likewise except the system created concerning mines, which is a harmonic complex of principles that stimulated the exploration and exploitation of that wealth snatching it from the inert hands of the proprietary of the ground, that legislation maintained unshakable, particularly in America, the landed property in front of the sovereign, thanks to the successive compositions of estates whose number was in proportion to the pecuniary needs of the Crown, it conserved the insecurity in the private relations respecting the property itself, either through the vagueness of the terms of the grants or concessions of lands or through the lack of an archive where to register any operation concerning immovables implying a charge or not; and it petrified the right of property without extending it to more objects than those which had been admitted by Roman law, the movables, immovables and the classic dismemberments of dominion known under the name of servitudes.

In vain Gutenberg's transcendental invention had awakened human thought from the laziness which retained it clinging to the sterile ergotisms of the Middle Ages, scarcely interrupted by the imperishable creations of a few geniuses and had roused in Europe the intellectual movement, precursor of the political, religious, social, scientific and industrial revolutions which made their appearance at the end of the XVIII and the beginning of the XIX century; in vain the industries, shaking off by little and little the crushing atmosphere of guild and the fatal immobility of routine, began moving under the efficient pushing of individual interest under the auspices of the discoveries of science, in vain commerce had considerably widened its sphere of action, comprising the earth's circumference with its manifold natural fruits and manufactured products from the West-Indies to the Asiatic regions, Europe serving as a gigantic emporium; all was in vain; intelligence, a prisoner in religious dogmas and political canons submitting to censure every mental production, from books to couplets, hardly in the last times obtained by an always eventual *privilege*, never as a doubtless right, the property of its works, during the author's life and for the time solicited by the heirs, literary property as a right being acknowledged only regarding the Royal Library, the Universities, the Royal Academies and Societies; industry did not even find the shade of a property on behalf of inventors and improvers in spite of the fact that the invention or improvement signified a labour done by the author and a great effort spared for society; manufacture, agriculture and commerce happened not to obtain the right of crediting their products on the markets, an inappreciable stimulus of the good faith of the producer and the merchant and of the legitimacy and intrinsic goodness of their articles, and not only did not obtain the acknowledgment of the manufactural, agricultural or commercial mark, but admitting the custom of some manufacturers of inscribing their names and addresses on the products, the merchants were hindered to put their own. (Tit. XVI, book VIII, Nov. Recop., and law XII, tit. XVI, book VII, Nov. Recop.)

It was reserved to the Spanish Cortes to dictate for our country the first dispositions about intellectual and industrial property and other matters following the example given by France.

That legislative Body endeavoured, at once, to define landed property freeing it from undue communal servitudes and not long after ordering the reduction of untitled and common lands (excepting out skirt grounds) to private dominion, declared closed and marked all the pasture grounds, fields and lands of any kind (June 8th 1813).

The same Cortes acknowledge literary property for all the lifetime of the author and ten years longer for his heirs and they also institute the property of industrial inventions for ten years, of improvements for seven and of introduction for five years (June 10th and October 2nd 1820).

Afterwards, the legislative dispositions of the independent Government are convergent (excepting several of a more or less political character) to defining the juridical condition of individual property, to extending that right over all things representing an effort or exertion of the individual valuable in money and to resolving the new economical problems of the country.

Now it is the laws of untitled lands that give the means to secure the landed property wanting titles or having defectuous ones, laws whose highest expression is to be found in that of 1863, that of 1893 and that of 1894 which was a consequence of the preceding one. These laws, besides forwarding the assuring of the property by means of compositions and other proceedings, dissipate any doubt about the prescriptibility of the untitled grounds and the last establishes the Great Property Register which in theory is the consolidation of the immovable dominion and which, in future, will doubtlessly lead to a more practical institution combined with laws about a fiscal land tax for the whole Republic, in identical terms as those issued for the Federal District.

Now it is the laws on intellectual property successively widening the productions sheltered by that right and the term of its duration; from the law of December 3rd 1846 that extends to thirty years the literary property for the author's heirs and institutes artistic property for painters, musicians, engravers and sculptors during ten years and dramaturgic property during the author's life and ten years longer for his heirs and establishes a penal sanction up to the Civil Code of 1870, reproduced in this particular by that of 1884 which identified every class of intellectual, literary, artistic and dramaturgic property with common property but for the limitation of time for dramaturgic property to the life of the author and thirty years longer for his heirs.

Now it is the laws on industrial property endeavouring to define with greater clearness that right and its extent and striving by means of publicity to prevent any usurpation of the invention or improvement of another, any fraudulent or subreptitious acquisition of what is not a product of one's own talent or exertion; in one word any incertitude about the rights granted by a patent and the person who is its titular. (Law of May 7th 1832, with its regulation of July 12th 1852, law of January 18th 1854 and law of June 7th 1890.)

Now it is the Code of Commerce of 1884 (a work undoubtedly more adaptable in various matters to the practical needs of traffic than the Code in force in 1889) which concordantly with reality, with what happens in commerce every day and with what must happen being a genuine and not an artificial effect of the talent, honesty and expertness of the merchant and the industrial men, institutes mercantile property of negotiation independently on the objects and values which individually compose the same; the property of the mark, distinctive sign of the manufactural or mercantile speciality of a product; the property of the merchant's name and of the sample of the negotiation; all of them specific forms of personal credit, of the tact of election in the settlement of the business of the purity of the merchandise, in one word, of all what constitutes the reputation of a merchant or industrial man and of his products and what becomes apparent in clientship, in high value of the effects, in gainings estimable in money. Unfortunately the Commercial Code of 1889 retrocedes and effaces from the catalogue of property these economical and commercial values, only the marks of manufacture and commerce reappearing among them, in the law of November 28th 1889 which is still in force and to which we are not even indebted for the creation of the agricultural mark still unknown in our country.

Now it is the Code of 1870, creating a Register of landed property, thereon to be inscribed any operation affecting that class of estate and its dismemberments, under the principle that inscription is the only means to oppose such an operation to third persons and abolishing tacit and general hypothec according to the German system to avoid the discredit of express hypothec and the suits produced through the ignorance of the actual juridical situation and the responsibilities of the immovables; two institutions which the Civil Code of 1884 conserves both and amply develops, even suppressing the unique exception that had been admitted for Register, that of transmissions of property for a smaller value than five hundred pesos.

Now it is the laws on mines tending to diminish, if not to suppress, the uncertainty of that class of property. As a result of the Constitutional reform of 1883 that took away from the States and transferred to Federacy the faculty of legislating on that matter, the latter issued in 1884 the Mining Code that came to introduce order into the frightful chaos of the innumerable legislative dispositions of the

States among which we may count those of Sonora, Jalisco, Durango and Hidalgo, directly affecting property, not mentioning the many which all those entities issued about imposts. The Mining Code of 1884 formed by Lic. Peter Bejarano and the engineers Emmanuel Maria Contreras and Francis Bulnes, the latter acting as secretary (engineer James Ramirez separated from this project and presented a distinct one), derogated the Ordinances of 1783, adopting, albeit, the fundamental principle contained therein, about discovery and denunciation, as titles of adjudgement, and as cause of forfeiture the want of working, which was modified regarding the terms and additioned with other causes of forfeiture concerning exploitation, such as defectuous working, want of drainage and airing. The authors of the law of June 4th 1892 (a very imperfect law regarding other particulars) may claim the glory of having realised the transcendental reform of our mining system, consolidating this property; that law assimilated it to common property as for the liberty of working, safe the police regulations and instituted the same upon these two essential bases: property is acquired by the General Government's adjudication to the denunciator; property is conserved by the mere payment of the special impost; in reality, no property is established, but an actual enfiteusment for perpetuity by a periodical rent a very superior system to that of precarious usufruct that had obtained in this country subordinate to the requisite of working in determined conditions and exposed to eternal law suits and questions about forfeiture which surrounded that right with a desperate uncertainty. In the Report corresponding to the years 1892-1896 and in the bill introduced into the Chambers by the Secretary of Encouragement, respectively, that Minister expressed his opinion thus:

«Starting from the principle demonstrated by the facts of modern progress as well as by the reasonings of the most profound thinkers, that property, mining property not less than any other, is fecund only if it is easy to be acquired and sure to be kept, and that its working must be free and voluntary, this Ministry aspired since long ago to assimilate as far as possible mining property to the other forms of property, to cover it with the shield that shelters territorial, movable and even intellectual property and to deliver into its hands the supplement of resources which those guarantees supplied for their widening and improvement.»

«And if the great economical laws of work are exact, there being no reason, indeed, permitting to suppose they may vary in their results, for being applied to the exploitation of substances to be found under and not on the surface of the earth it is doubtless a rapid enlargement of Mexican mining will be attained by these three conditions: facilities to acquire, liberty to exploit, security to keep.»

How has this evolution in the right of property been able to get operated?

Under a political and religious system that sanctifies as an immaculate title of dominion the conquest of a territory and the conversion of a race subordinating under these two supreme conditions the future distribution of that territory; that encloses industry and commerce into the unsurmountable circle of the guilds and privileges, always seeking the growth of corporation with sacrifice for the individual; that confines work regulated in its most minute particulars, on the plebeian, the serf or slave, to the point of rendering exceptional the fields of activity compatible with nobility and gentry; that prosecutes every idea, every conscience, every purpose, scrutinising the slightest religious heresy or the remotest infidelity to the established political principles, it is no wonder the landholder feels no necessity to define a property which nearly always is a usufruct or an estate of a community or corporation or a precarious wealth loaded with taxes, tithes and the interest of a quit-rent; nor is it a wonder that the speculative writer, or the artist or the inventor implore from royal favour a gracious privilege, unconscious of the fact that the creation of their genius or their inventiveness might some day be converted into an intangible, immaterial, abstract right of property when they behold that manual or mechanical work not always meets as its reward the property of the tangible, material and concrete object wherein it embodies; it is not strange that the agricultural or industrial producer and the trafficker do not even dream of singularising their fruits or artefacts with a name, a mark or a distinctive sign implying a property valuable and sanctioned by law when they themselves cannot individualise under the system of the guilds nor aspire

to increase the value of their effects taxed beforehand by law and regulated even in the methods of production by levelling rules that destroy all individuality. Under this vicious economico-social ambient the only thing that germinates like a rotten fruit is the property of the public offices, the only one compatible with administrative interference, the only one that is protected in itself by the bureaucratic prerogatives of the post.

To transform this juridical conception of property it was necessary that the new system emancipated the mind from political tyranny and the religious dogma and acknowledged in work, the primordial creator of wealth, the first, the original and the most sacred title to the right of property, to exclusive utilisation of the produced work, material or incorporeal, manual, intellectual or industrial; it was necessary that work, redeemed from guild and from the methods prescribed by law, should seek in the interest of the individual the powerful stimulus of all economical progress in modern societies and sanction with the efficacious title of a property every distinctive sign of man's productive capacity; it was necessary, indeed, that an intense activity in the production and in movable wealth provoked a redeeming reaction in landed property and claimed the extinction of mortmain, the consolidation of that property, the certainty of the extension of the dominion of every associate and even the mobilisation imposed by the great territorial enterprises headed by the first rail-roads.

And so it was, indeed! Under the influence of the new theoretical conceptions about society and State, and of imperious practical needs of economical development, that great evolution of property initiated by the Cortes of Cadiz in the mother-country and in the colonies, could be synthesised by our fundamental chart in two supreme guarantees: liberty of work and inviolability of property, both of them limited by the right of a third and those of society, not inspired in motives of protection to industry, in its forms of prohibition, exclusive sale by the State or monopoly. Only industrial property remained reduced to a limited term, thanks to the still uncontradicted force of the old system's prejudices.

All the remainder is the still incomplete development of those principles: the extinction of the saleable and resignable public offices, the assimilation of intellectual property with the corporeal one, the conservation of industrial property, the exclusive right of the commercial and manufactural marks, certainty in the juridical condition of immovable property and the mobilisation of the same by means of anonymous societies and the emission of hypothecary bonds.

CONTRACTS

A military structure and with more reason a theocratico-military structure, to which type we have seen the social and political formation of peninsular Spain corresponded and later on also that of the American colonies, carries along with it a system of imposed and compulsory cooperation, of imperative regulation of every act of social life, *in capite*, the production, circulation, distribution and consumption of public wealth which assure the subsistence of the group.

Within this regime the insatiable covetousness and the chronic penury of the political governments, withdraw concordantly from individual action important branches of production or confine them to persons privileged by the influence of favoritism and nepotism, instituting exclusive sale and monopoly, while the undisputed authority of the State under the force of erroneous theories maintains little less but stationary individual production, not only because it prescribes the methods and processes of work which last indefinitely without progressing but because it denies all attraction to particular inventiveness, regulates to minuteness the forms of cooperation within rigid precepts, renders difficult the convenient division of work and pursues with its conservative tendencies every industrial, commercial or agricultural innovation; within that system, the State needs a gigantic concentration of energies, a quasi-military or monastic discipline of the associates and that political entity which does not hesitate to disavow all science and any creed beside the official ones to prevent shocks and frictions between the associates and to define their reciprocal relations in the economical order, determines by means of coercitive rules the relative

condition of the agents of production and their partaking of wealth; establishes the tax of the fruits of the ground, the tax of the industrial effects, the tax of labour, the tax of capital; it restrains the channels or vehicles of exchange and circulation by means of privileges on behalf of certain markets with exclusion of the remaining; it limits the epochs and spots of exchange and traffic, it surrounds with prohibitions personal and mercantile credit and as a complement it interferes even in consumption by means of sumptuary laws and by civil coercion, for the tithes and primitive and other ecclesiastic tributes; all this without reckoning the crushing charges of empirical imposts, without a scientific base which trouble the quickness of transactions.

Long, very long would be the list of precepts of the Spanish legislation anterior to the Cortes of Cadiz which verifies this system of cooperation, characteristic of the Spanish theocratico-military structure. We shall limit ourselves to enunciating as an example, the most salient dispositions of the Newest Compilation, since the citations from the anterior Codes would be interminable.

Under the empire of superstition and religious prejudices, law prohibits all kind of work and labour in open shops during sundays and holidays that are most abundant; it eliminates from commerce the estates of the Church which constitute a considerable mass of wealth, and withdraws from personal consumption or reproduction the tenth part of the agricultural fruits, not attending to the cost of cultivation (laws VII and VIII, tit. I, and tits. V and VI, book I, Nov. Recop.); to support the necessities of consumption, especially at the Court, and to afford the military exigencies of the Nation which sustains a parasitic population composed of noblemen, courtiers, soldiers, clergymen, monks and nuns, has recourse to the inevitable system of the tax and prohibitions and fixes the price of bread, wine, corn, meat, poultry, game, silk and wool stuffs, and even books (these last are restrained later on to those of first necessity), establishes the service of baggage and lodgings of troupes, issues sumptuary laws, regulating the costumes, dresses, jewels, sedan chairs, coaches and litters one may use, and the servants is is lawful to occupy in domestic service, and forbids the extraction of gold and silver, cattle, corn, oil, flour, silk and other raw materials (tits. XVI and XVII, book III; tits. XIII, XIV, XV and XVI, book VI; tits. XVI and XXIV, book VIII, and tits. XIII, XIV, XV and XVI, book IX, Nov. Recop.); to compensate the unproductiveness of the negative or sterile classes in the economical order, inspired in erroneous theories, it submits to special regulations the arts and trades organised in guilds, taxes the salaries of tradesmen and other workers, and even the price of professional services like those of the lawyer which it limits to a twentieth of the amount of the affair, with a maximum of 30,000 maravedies and prohibition to adjust agreements and shares; it fixes the conditions wool and cotton cloths ought to have and forbids the introduction of certain articles such as salt, silk, baubles, dresses, linen, furniture, and the cloths and tissues of cotton, silk, linen or muslin and other manufactured goods (tit. XXVI, book VIII; title XXII, book V; tit. XXIV, book VIII; tits. IV and XIII, book IX, Nov. Recop.); to assure the movement of wealth it institutes public stores destined to the concentration of articles of the first necessity, such as bread and corn, it fixes the fairs and market days, restrains almost absolutely the intermediary traffic of small commerce, retailers, huxters, dealers and hawkers, forbids foreigners to be changers, prohibits change with interest from fair to fair and from town to town, and determines the maximum of interest of money (tit. XIX, book VII, law XVII; tit. XVII, book III; tit. V, book IX, law XXII; tit. I, book X, Nov. Recop.); lastly to create a fountain of resources, it institutes, besides the Royalties the exclusive sale and monopoly of brandy, tobacco and other articles whose number is larger or smaller according to the needs of the royal treasury or the reclamations of the subjects. (Tit. XXI, book VI and tit. XV, book X, Nov. Recop.)

Some of the dispositions restrictive of the liberty of industry have become extenuated as it is apparent by the law I, tit. XXI, book VI of Nov. Recop., which provides that for the subsistence of the private exclusive sales and prohibitions bestowed by the kings the beneficiary must make a declaration and extinguishes the creation of new monopolies in the future. However, these dispositions, besides being theoretical, for instead of the extinguished institutions new equivalent ones arise, like those of the supply

department (see the note to the cited law, in the edition of the Spanish codes), do not go the length to favour the colonies.

Indeed, in New Spain, beside the dispositions in force in the Mother-country special laws come to render the situation extreme.

They prohibit to establish workshops without a special license and they grant the town of Puebla the exclusive permission to instate silklooms and at the same time they organise, for the benefit of the Royal Treasury the exclusive sale of quicksilver, salt, pepper, playing-cards, corrosive sublimate, cordovans, alum and several other; they tax the daily wages of the Indians; they forbid commerce between Mexico and Peru and that of the Philippines is limited to \$ 250.000 of imports and \$ 500.000 of exportation a year; they bestow on the Casa de Contratacion of Sevilla the privilege to do the traffic of the Indies, in gold, silver, pearls, stones, etc.; they prohibit the introduction into the mother-country of books treating of Indian subjects without a special license; they restrain the commerce of corn and they regulate breadmaking, erecting exclusive centres of traffic consisting in public stores; they forbid commerce between negroes and Indians and the product of the tillage of ten fathoms of land made by the natives is applied to the formation of the fund of Cajas de Censo and community estates.

Slavery we have mentioned elsewhere, the mitas and commendams service, imposed on the Indians, and that of contribution in money and labour for the building of churches that was also laid upon them, complete system characterised by the *legal statute* in opposition to the initiative of the individual and the free play of the economical laws. (Tit. II, book I, law I; tit. XXIV, book I; tits. XIV and XXVI, book IV; tits. IV, IX and XIII, book VI; tit. XIII, book VIII; tits. I and XLV, book IX, Recop. de Indias.)

Under a system like that we have pointed out, the habit of defining the relations of an economical order by means of agreement between the private persons interested therein, develops but slowly; the juridical theory of contract which is the marrow of private right, shows itself rachitic and paltry and the number of special contracts, keeps little less than stationary. It is not to be wondered at that the laws of Partida only treat in particular of real contracts, mutual, commodate, deposit and pledge, of the consensual contracts, purchase, lease, society, procuration and donation and of the contracts *verbis*, promise and bail (tit. V, Part. III and Part. V). This had already be realised by Roman Law in the grand evolution which may be condensed in the following words (1): «From the primitive *noxum*, only form of the quiritary bond overladen with rites and solemnities, it made arise the contract *verbis* and the *mancipatio*, less embarrassing in their formulas; later on it found in the latter the element of real contracts and consecrated them with civil sanction, substituting the simple delivery for the archaic ceremonies of mancipation, while the Roman customs suggested the contract *litteris*, and the international uses made it adopt four kinds of agreement wherein for the first time it was proclaimed that consentment was the unique source of bond. When this became to be admitted in Roman law, strict right must begin to disappear from the juridical institutions and History shows us how, as the pretor's jurisprudence admitted the exceptions of error, dolus and compensation regarding the solemn contracts declared justified the exception *non numerate pecunie* respecting the contract *litteris*; and somewhat later sanction was granted the pacts till then deprived of civil effects, firstly because they were aggregated to a contract; afterwards because ratification converted the natural engagement into civil engagement; later on because in the synallagmatic contracts it was considered the fulfilment of one of the parties engaged the other *re* or by the facts; and lastly because pact and agreement came to be same thing.»

It is no wonder that when Spain issued the Bilbao Ordinances in 1737, no main principle was advanced beyond the Code Savary and the Marine Ordinances adopted by France half a century before in the times of Colbert. It is no wonder, finally, that no body of Spanish legislation develops in a complete synthesis the theory of contract in general, defining the elements of its formation, the nature of the relations it en-

(1) Professional thesis of the author of the present exposition.—1896.

genders, the causes that invalidate or rescind it, the means of extinguishing the engagements; etc.; for although there exist many rules concerning the matter, they are not linked by a logical ideation, they form no coordinate and comprehensive complex; in one word, they are precepts disseminated in the laws, without a material unity or an ideological illation that might condense them into an accomplished system of contract making. In exchange, there exist the prohibitions of usury, the rescissions for lesion and other dispositions coercitive of the faculty of contracting.

What must call our attention is the fact that it has been possible to spiritualise the idea of civil engagement into a liberal precept proclaiming consent to be the esencial factor of contracts without subjection to formulas or rites, a principle which has continued being consecrated since the Ordinance of Alcalá (unique law, tit. XVI) up to the Newest Compilation (law I, tit. I, book X) and which represents an enormous progress in the history of conventional engagements.

The new social and economical theories which in spite of all precautions copiously infiltrated into Spain, came preparing an evolution of contract claimed by commerce and industry in order not to be stunted in their growth. Precursors of this transformation are the abolition of the tax of wages according to a Royal Providence of November 29th 1767 and the suppression of the guilds by Royal Decree of March 1st 1798. Afterwards the Cortes of Cadiz, ostensibly initiate the economical reform and besides the dispositions we have pointed out in other parts of this exposition, suppressing the mitas and commendam services, annul the minor exclusive sales of cordovans, alum, lead and tin, in New Spain; they emancipate of taxes and postures the first and ulterior sales of fruits and agricultural products, of cattle and the products of hunting and fishing and of the works of labour and industry, except the prohibition of exporting the things determined by the legislation in force; they declare free and expedite the inland traffic and commerce with corn and other products as also their storing; they leave the landholders in liberty to celebrate contracts of lease and they authorise the establishment of manufactories and the exercise of any other industry or trade, without any more restrictions than those of police and salubrity. (Decrees of January 17th 1812 and the two different ones of June 8th 1813.)



Lewis Labastida

The insurgents and then the independent Government of Mexico during the first thirty years advance very little beyond the dispositions of the Cortes of Cadiz, precisely because the war for independence and the political struggles of the liberal and the conservative parties, instituted in the country a military regime, culminating in the times of Santa-Anna, a regime considerably weakened by the present industrialisation in private relations, although it subsists in the political order.

Thus although the Constitution of Apatzingan (1814) declares that no kind of cultivation, industry or commerce can be prohibited to the citizens, it keeps the exclusive sale destined to «public subsistence;» although the decree of November 20th 1823 frees ice and the decree of October 21st 1822 promises the liberty of sowing, manufacturing and selling tobacco, the decree of February 9th 1824 legalises and regulates the exclusive sale of this article and the decree of the following March 8th confirms the exclusive sale of gunpowder, there coming afterwards dispositions alternately freeing and prohibiting the industry and commerce of certain articles such as brimstone and saltpetre and even tobacco and the introduction of numerous foreign articles and establishing or raising restrictions for the rate of interest. (Decrees of

April 25th 1827, May 23rd 1829 and its regulation of the same date, March 24th 1830, May 26th 1832 and June 3rd 1833, August 9th 1836, tariff of March 11th 1837, April 15th 1837, November 12th 1841 and its regulation of December 20th 1841, July 21st 1842, August 14th 1843, December 3rd 1845, June 24th 1848, August 3rd 1853, September 9th 1853, December 30th 1833, August 21st 1839 and November 20th 1843.)

It was the Constitution of 1857 that came to fix once for all the foundations of the new regime concerning contracts, declaring that among the individual guarantees there are liberty of industry, labour and profession and the utilisation of their products, liberty of association, the extinction of monopolies, exclusive sale and prohibitions under the title of protection to industry, the abolition of any contract whereby man loses his liberty, even for work or education, the abolition of compulsory services without full consent and adequate remuneration (the constitutional reform clearly states the subsistence of the charges of councilor and jury, military service and penal servitude) and the extinction of all arbitrary service for baggage and lodging of troops.

Under the liberal spirit of these guarantees they issued the Civil Code of 1870 and that of 1884 derogating the same, the Commercial Code of 1884 and its substitute that of 1889 (the Code of Commerce of 1854 introduced great progress over the old Ordinances of Bilbao but its validity was ephemeral for political reasons), the authorisation to the Executive, on June 1st 1895 and on June 5th 1896 for the establishment of general stores of deposit; the authorisation of June 2nd 1896 to the same Executive in virtue of which this issued the law of credit institutions, emission, hypothecary and reparation banks, considerably restricting the monopoly of the National and London Banks; the law on emission of hypothecary bonds, of November 29th 1897 and the law of February 16th 1900 on general stores of deposit.

Under a systematic plan, the Civil Code of 1870 concisely developed the important theory of conventional engagements; it points out as elements of the validity of the contracts the capacity of the parties, mutual consent and the licit object; it raises to the rank of a general principle the capableness of entering into a contract, remaining as an exception the incapacities we have explained, derived from the want of intelligence or its incomplete development in the mad, idiots, imbecils, demented and deaf and dumb not knowing to read nor to write, or of the traditional and antiquated inferiority of women; acknowledges in consent the efficient cause of conventional engagements whose reach it extends to all the consequences conform with *good faith*, custom and law; it prescribes the form how this consent must be given, oral or written or by facts limiting this last those who are in the impossibility to speak or to write, doubtlessly because regarding the remainder, law considers language and not pantomime the natural means of expression among civilised peoples; it maintains the principle of *res inter alios acta* for third persons necessary consequence of the want of consent; it pursues with nullity, at the petition of the harmed part, the contracts in which consent bears the vice of violence, coercion and essential error or error derived from *dolus* or bad faith; deprives of compulsory force the legally or physically impossible contracts comprising among the former those that are contrary to law or the good customs, or cannot be reduced to an estimable value in money or are of an indeterminable matter; denies all sanction to the clauses by which public right is affected and to unconscious resignments like those of the laws in general and those in which the renounced right is not expressed; classes the contracts and engagements according to the classical divisions, descending in some points as far as the details of casuism; it determines the effects of the engagements as for facts, things and loans of money and civil responsibility; defines the effects of nullity of the contracts and the cases of ratification, as also the effects of rescission, including among the causes of the latter the lesion in the contract of purchase; enumerates the known means of extinguishing the engagements and then enters into the particular regulation of the contracts, fixing the interpretation rules of the contractors' will and the prohibitions and incompatibilities of public right, proper to such contracts in particular.

The Civil Code of 1884 keeps the system in its totality, but marks a retrocession because it institutes as a rule the necessity of the external form, on pain of nullity of all contracts whose interest exceeds 200 pesos and whose term is beyond six months.

However, although these Codes, as a rule, were sufficient for the ordinary needs of civil life, they were far distant from satisfying the exigencies of mercantile traffic which ever since the *Partidas* had received some special precepts and which in its posterior development had given rise to a group of dispositions compiled in common legislation and finally embodied in the Ordinances of Bilbao.

Answering to the real needs of traffic enormously increased and transformed in the meantime, the Code of Commerce of 1884 came to substitute the old Ordinances of Bilbao that were no longer adequate. The said Code of Commerce classed as mercantile acts the contracts whose exclusive purpose was lucre, those which are accessory to these contracts, such as commission, brokerage, factory, transports and insurance and those which by reason of similar habits or motives of parallelism, required that assimilation such as the industrial and manufacturing enterprises. It extended to persons younger than twenty-one years but elder than eighteen, emancipated or habilitated, the capacity of practising commerce and it bestowed equal capacity on the unmarried woman and on the wife with license of her husband or free of the marital power, according to common law. The same Code regulated the five kinds of company admitted by the French law, albeit with certain essential modifications regarding the administration of societies of shareholders and fixed rules for the most important contracts of the mercantile order. It maintained, however, the embarrassing requisite of the external form for all contracts at term.

The Code of Commerce of 1889 was more liberal in this latter point, for it reproduced the principle of the law I, tit. I, book X, of the *Nov. Recop.*, although in other matters, such as bills of exchange, drafts, mercantile property, etc., etc., it signified a retrocession owing to a regulation contrary to the useful and licit practices of commerce.

The law on Credit Institutions came to allow the creation of emission, hypothecary and reparative Banks, under a restrictive system of previous concession of the Government, of conditions relative to the social capital and the mode of forming the same, of requisites referring to the management of those banks and of inspection of Government. The ideas obtaining in the formation of that law may be seen summed up in the following conceptions of the exposition of motives presented by the Ministry of Finance:

«The Code of Commerce promulgated on April 20th 1884, contained on this matter a series of dispositions which for their greater part were destined to remain a dead letter, mainly regarding emission banks, because the transitory articles of the said Code, in concordancy with article 8 of the concession issued a few days after on behalf of the National Bank of Mexico, constituted a regime under which it was impossible to create new banks and even those then in action were hardly able to subsist.

»The anomaly of the fact that dispositions of a general character affecting strangers and belonging rather to public right, were embodied into a concession which in spite of being sanctioned by Congress, conserves the character of an arrangement celebrated between two parts; the circumstance that notwithstanding the stipulations contained in the said contract and the protestations founded thereon and formulated by the National Bank, concessions were bestowed for the establishment of emission banks at different places of the Republic and lastly, the suppression in the new Code of Commerce of 1889, of the precepts contained in the former about Banks created a situation full of inconveniencies, and rendered it necessary for Government to adopt a definite attitude based on a system which respecting all the legitimate rights were at the same time appropriate to the needs of the country.

»To allow without any restriction whatsoever the establishment throughout the Republic of Banks issuing notes, was a thing not to be advised by anybody; but to issue a general law regulating the faculty of emission, requiring the necessary guarantees and establishing the inspection to be exercised over such institutions, giving them in exchange liberty to begin operations without a previous authorisation from public Power, was a resolution worthy to be studied, since in other countries and specially a neighbour of ours, they have fruitfully steered that course.

»Comparing the political and economical conditions of the nations whose legislation dispenses the Banks with obtaining a concession to issue notes, one observes at once in all of them, that their inha-

bitants are familiarised with the practice of individual liberty and therefore are on their guard against the grave consequences abuse may lead to and sometimes even the not abusive exercise of that same liberty. The degree of intellectual culture the masses have arrived at and their experience of business constitute the most efficacious counterpoise against the exaggerated and even crooked and mischievous tendencies of an ill managed establishment. Lastly, the well understood interest of the Banks themselves induces them to narrow their relations and to lend one another reciprocal aid which, nearly always, shields them against economical crisis and adverse events.

Can it be reasonably claimed that Mexico finds herself in those circumstances? The most recent introduction of the Banks properly so called; the lack of experience in the use of credit; the mistrust which still obtains, particularly outside of the large centres of population, towards the document or title representing credit and the very marked spirit of imitation which surely would provoke a multiplication of Banks out of proportion with the needs of the country, are, among various other causes, those which plead for certain restrictions as long as we do not see acclimated here the ideas and practices without which absolute banking liberty is utterly dangerous.

»If to these considerations we aggregate the fear of a powerful reaction against the bank-note in the case of failure of any such establishment, although it were of little moment, we cannot but deem sensible the solution Government has given this problem and in virtue of which the number of local Banks that may be established can never come to be an excessive one.

»Being inspired in these ideas the new law will surely yield as a result, at least in the first years a sort of banking oligarchy causing the credit institutions to be conveniently distributed over the whole extent of the Republic, their number, however, not remaining so short, that it may be said the faculty of emitting constitutes a privilege in favour of a few. At any rate, it is more prudent, in so delicate a matter as that of credit, for the Nation to remain in aptitude to amplify, later on, the terms of her legislation in order to favour a greater multiplication of Banks than to be obliged afterwards to restrain the number of the institutions and their faculties, in view of the bad results of a first trial.

»Such are, in concrete and independently on other considerations derived from the nature of public Power, the main reasons which decided Government in favour of the requisite of previous concession for the establishment of Credit Institutions and in favour also of the thought relative to the so called first Banks of the States.

»Great endeavour has been had to exact for the formation of the Banks the conditions reputed more serious and efficacious in order to have these enterprises undertaken only with the necessary elements and the institutions organised with the stability, strength and prestige that secure for them a long and prosperous existence.

»No other object is pursued by the dispositions relative to the bestowal of a large deposit of titles of public Debt, in order to guarantee the Bank's establishment within the four months following after the date of the concession; those providing that only anonymous companies and no private individuals may exploit the Banks and that whenever the concessionaires be private individuals, they never can be less than three nor can they be the owners of the concession for a longer time than that necessary to organise the anonymous company on behalf of which the concession must be transferred; those prohibiting that in one and the same establishment authorisations and prerogatives be joined which by their nature ought to belong to institutions of a distinct character; and lastly, the precepts relative to the organisation of the anonymous companies called to exploit the concessions, which, in some points, establish severer conditions and restrictions than those of the Code of Commerce in order better to guarantee the interests of the public.»

The law about deposit magazines established for these institutions the same system as that authorised for the banking institutions because of the similarity, no doubt, of the fiduciary nature of their operations.

Finally the law about emission of hypothecary bonds legalised in the country, a situation of fact which existed thanks to special concessions and which was realised under the exotic form of the North-

American and English trusts. That law contains, nevertheless, some restrictions of emission incompatible with the system of economical liberty, such as the disposition that limits to the enterprises of railways, mines and public works, and to the joint-stock companies the faculty of emitting hypothecary bonds and the precept which requires the previous exhibition of 10 per 100 of the amount of the total capital that ought to be subscribed.

All this legislation acknowledges, in general terms, as an origin the liberty of contract; but always there are to be met therein more or less important precepts which, as has been seen, restrain the economical liberty and the faculty of contracting, for motives of an economical character as a rest difficult to eradicate of the old regime of the *Estatuto*, i. e. of imposed and compulsory cooperation under which the State has pretended to rule the economical life of the peoples in times gone by.

«Neither among ourselves nor in the European nations civil codification has reached its amplest development, because at the side of prescriptions consecrating consent as unique source, as supreme law of contracts; at the side of dispositions prohibiting to alienate in absolute the liberty of contracting, as also the general renunciations of the laws and the special one of rights that are unknown, which prescribe the nullity of any contract in which the consent be obscure or vitiated, and that no contract can be derogated by the will or deed of any of the contractors, which prohibit entails and limit the number of real rights to favour free competition; at the side of the declaration that contracts cannot avail nor harm third persons, declaration made for any case and in any form in which harm or profit were possible, there are a great many precepts of public right, not inspired in international motives, incapacity of minors, penal, moral or honesty motives, not derived from fiscal reasons or politico-constitutional ones, but produced by the protection the State claims to dispense to private persons, in spite of the fact that our economical regime is of free competition, that the Constitution annuls monopoly and prohibitions and that economical science teaches us, State protection is useless when regulator *competition* is acting freely; and that this is the only one which guided by personal interest can fix the conditions of the contracts, the juridical relations of private persons in the most useful form, in virtue of the law of quantities and prices (1).»

To this kind of prescriptions inspired in the protection to private persons for economical motives, there correspond in civil law the nullities of the contracts between the parties for formal defects, the limitations referring to the amount of the penal clause, the liberation of the debtor in litigious credits by the payment of the price of those credits, in the case of cession to thirds the prohibition of obligatory part, the rescission because of lesion in contracts of sale, the nullity of donation of all property, the prohibition of insurance for an indefinite time, the limitation of wagers in a licit game; in mercantile law, the distinctions regarding the obligatory strength of bills and warrants, the limitation of the number of forms of companies, the restriction of the documents that may be issued with the clause «to the ordre» and many more it would be tiresome to enumerate.

In this point, legislation urgently needs realise a most radical transformation.

«It is of no use Constitution establishes and economical science proclaims free competition as the only efficacious regulator of the production, distribution, circulation and consumption of wealth among the peoples that have instated the immense workshops of the great industry, that have abandoned the empiric and routine proceedings for the scientific and progressionist methods (and Mexico has accomplished this in the time she lives in peace, thanks to the investment of foreign capitals in our industries, to the construction of railways, to the development of agricultural activity and other factors); all this is of no avail, we say, when our laws do not yet free contract from the formalities, and in order to protect the contractors, deny them that consent in a great number of agreements is sufficient to produce rights in their favour; when with the character of precepts of public order the archaic forms of transmission of

(1) Professional thesis cited.

rights persist, rendering impossible endorsement and delivery in cases not foreseen by the law; when they choke credit hindering the emission of bank-notes, bills, warrants and other fiduciary titles to the bearer and at sight; when they maintain intact the old hypothecary law not admitting fractioning into easily transmissible obligations; when, in one word, they shackle circulation, immobilise capital, hinder it to be easily applied to production, they raise the cost of enterprises and the price or interest of money, and when they attempt to remedy these legislation ills with pecuniary subsidies, prerogatives and exemption for the enterprises, which, implying a charge more for the taxpayer, lessen his liberty because they restrain his faculty to apply the produce of his work to the uses he may deem best (1).»

OFFENCES AND PENALTIES

Religion in its double, moral and dogmatic, aspect cannot but be the first condition of existence of any nationality, prepared like the Spanish one, by religious unification, legally constituted by the ecclesiastical councils and reconquered and remodelled under the badges of a holy war; theocracy is that nationality's genuine symbol, and the directing group's instinct of conservation leads to entail the whole association's life on the immutable survivency of the moral canons and especially of the dogmatic principles on which the official religion reposes, because these principles, not being scientific truths, being *fictitious* passed off for *truths*, daughters of the faith in the marvellous and supernatural, are susceptible of becoming deeper inculcated into the rude and uncivilised minds and to serve as a base for the social hierarchies and for the keeping up of political discipline.

When at the side of this theocracy there subsisted a monarchic military power, for reason of the wars, this power looks for an equipoise in an alliance with the depositaries of the religion, seeks therein a holy and sacred foundation whereon stoutly to support the principle of authority and ends by a subordination in virtue of which it proclaims the divine origin of royalty in priestly unction and its indisputable respect in the oath of fidelity. When the effective force of that royalty develops thanks to the necessities of war which impose the suppression or progressive weakening of the manifold seignories that have served as auxiliaries and attains a unity founded on discipline, monarchy keeps the tradition of its divine origin, but arrogates for itself the right of legalising the organisation of the religious power and institutes in its turn royal patronage which in the new conditions of equilibrium, becomes the counterpoise of the sacerdotal unction. In this new situation, the theocratic-military discipline incarnated in the observance of the moral and dogmatic precepts of religion and the quasi-divine respect of the constituted political authority, represents the very existence of the nationality. Any deviation from that discipline is a sin requiring expiation, is an attempt claiming its punishment and expiation and punishment must be more frightful the more intimately the essence of religion is affected, i. e. dogma, and the essence of monarchic organisation which is obedience and fidelity.

Beside these conditions of existence of the group, there figures, although with a secondary character, the pacific harmony of the individuals composing the nationality. The violent aggression to private property and to the persons are certainly causes of social perturbation and weaken the cohesion of the group, at the same time as they infringe the commandments of the canons composing the moral of the religion; but while property does not attain a great value and is constantly sacrificed to the needs of war, while the men, inured in this form of activity and surrounded of dangers and incommodities, feel no respect for the life of another nor endeavour effectively to protect their own life, the aggressions to persons or property do not show characters of utter gravity, or at least not directly lesiving the integrity of religious power nor threatening the monarchic dignity, the offensive aspect of such acts becomes sometimes

(1) Professional thesis cited. After this thesis was written, the law on emission of hypothecary bonds was issued and that on Banks setting an end to two powerful institutions, but preserving a multitude of restrictions on commercial credit, as has been stated.

VOLUME FIRST

Judicial evolution

Mexico. Court of Justice

PROJECT OF REPAIRS AND MODIFICATIONS (IN EXECUTION), FORMED BY THE ENGINEERS
SANTACRUZ AND OLIVIER



so much dissipated that it resolves in civil compensations. More perturbing of social existence they consider the attack on personal dignity, doubtlessly thanks to the formation of the upper classes and the knightly and heroic mind of the epoch and the race to such a degree that homicide becomes licit and permitted in the traditional form of duels and challenges.

Such is the conception of transgression in Spanish legislation. In the first time the religious idea of sin is predominant together with the political idea of infidelity or indiscipline and the scale of gravity of the transgressions corresponds to the scale of intensity of these two criterions combined, the second line being occupied by the violent attacks neither affecting dogma nor the established social ranks. Treason to the king is treason to one's country incarnate in the monarch and to religion consecrating him; discrepancy in the dogma is infidelity to the divinity that has inspired it and to Royal authority which is the sacred custody of its integrity.

Then there come the offences which to-day would be called common ones, those which imply a direct aggression on the honour, persons, honesty and estates of private people; these offences become aggravated at the rate they more deeply offend religious piety, such as abortion provoked by the parents and parricide, or at the rate they perturb the social rank, such as the offences of a serf to a free man and viceversa (tit. I, Preliminary and books VI, VII, VIII and XII, *Fuero Juzgo*).

The dominant criterion of this legislation may be seen in the following words of law II, tit. II, book XII: «And therefore we forbid that no man of no people, not even of our kingdom or stranger, nor of another land dare not dispute publicly, nor furtively, doing so by bad intention, against the holy faith of the christians, the faith that is one sole true one: nor be bold to contradict, nor no man dare despise the gospels nor the sacraments of the holy church: nor no man depreciate the establishments of the apostle: no man be bold to break the commandments the holy fathers anciently may have made: no man be bold to depreciate the establishments of the faith made by those who are now: no man be bold to murmur against any saint nor against the sacraments of the holy faith: nor may he think it in his heart nor say it by his mouth; nor contradict it, nor contend it nor dispute it against anybody.»

For a long while after the *Fuero Juzgo* the religious political conception of transgression subsists and even grows in intensity thanks to the ardency of the mystic zeal rousing the fear of mahometan propaganda together with the stupendous militarisation of Spain during the war of reconquest, followed by the systematic efforts of concentration and political unification of the peninsula, and thanks, too, later on, to the theocratico-military colonisation of the West-Indies. But beside that old conception that persists, the new forms of living together, the development of the feelings of sociability, the necessities of an increasing economical advance, in one word, the progressive culture of Spain, seconded much later by the newest resurrection of the theories on natural law and international law brought into legislation a new criterion about offences and across the thick mist of theology there could frankly dawn in the Seven Parties and become developed in the posterior Compilations the clearly laical conception that society for her own protection must punish and repress every violent aggression that may trouble social security, although the directly harmed were private persons.

«Forgetfulness and boldness, the law of Party says, are two things that make err much... And because such acts as these which are done with superbitry must be crudely corrected in order that the ill-doers receive the penalty they deserve and those who hear it become afraid and take thereby a warning, in order to guard against doing a thing for fear of an equal punishment... We wish to demonstrate here in this seventh party of that justice which destroying takes away by crude warnings the contentions and riots that arise of the misdeeds which are done to the pleasure of one part and to the harm and dishonour of the other. For such acts are against the commandments of God and against the good customs and against the establishments of the Laws and the *Fueros* and Rights.»

«Properly, the said accusation is a denunciation which a man makes against another before the judge reproaching him some fault which he says the accused made and requiring him to make vengeance thereof. And such an accusation is of great advantage for all men on earth commonly. For through the

same when it is proven, the misdoer is directly punished and he who received the offence receives vengeance. And besides the other men who hear it, will be on their guard afterwards to do things for which they may be accused.» (Preliminary paragraph and law I, tit. I, Part. VII.)

The gravity and the number of the religious offences increase under the laws of Party and still more under the compiled ones in which we may discover the culmination of the cruel and intolerant fanaticism, persecuting any creed distinct from the catholic, any heretic deviation, any sinful forgetfulness of divine holiness, witchcraft, blasphemy and perjury. (Tits. from the XXIII to the XXVIII, Part. VII, and titles from I to VI, book XII, Nov. Recop.)

The gravity and the number of the political transgressions increases in the same proportion. Conspiracy, rebellion, sedition, mutiny, resistance, desertion, disobedience and the abandoning, and retention of functions executed against the King, the protection of the flight of a traitor, and even the falsification of money and the Royal seals and the damage caused to statues erected in honour of the monarch assume the black characters of treason. (Tit. II, Part. VII, and tits. VII to X, book XII, Newest Recopilation.)

However, at the side of these offences implying a direct and exclusive aggression on the conditions of the group as a political and religious entity, the legislation of the Parties and the Compiled laws institute a complete system of protection to society as an aggregate of individuals comprising in its precepts all classes of aggressions on property, persons, honour, honesty and the security of the group of associates and impressing on the spirit of public vengeance a certain preventive stamp or of *warning* for malefactors. (Tits. VIII to XXVIII, Part. VII, and tits. XIV to XXXI, book XII, Nov. Recop.)

Under this hybrid system which now considers offence as a sinful act infringing the canons of religion, now as an infidelity to the State, now as an aggression harmful for the security and harmony of the associate individuals, penalty is an expiation, a vengeance or a form of warning, according to circumstances, and within these three conceptions it labours under the spirit of barbarity wherein the formation of the Spanish nationality was begun and at the same time under the military rigour of its political constitution and under the unequalness of classes.

«Pain, the law I, tit. XXXI, Part. VII says, is amendment of heart, or warning given, according to law, some men for the errors they committed. And this pain is imposed on men by the Judges for two reasons. One is that they may receive a correction for the errors they made. The other is that all who might hear or see it, may take an example and advice to take care not to err, for fear of the pain. And the Judges must consider much before they impose the pain on the accused and scrutinise the error very carefully for which they bid it be applied, so that it be well proved and inquired in which wise the error was made; for if the error was made knowingly, the correction must be given so as the laws of this book order. And if it came to happen by fault of him who did it, he ought to receive less correction and if it was by a casualty, he ought not to receive any.»

Excommunication, perpetual inhabilitation for charges and dignities, infamy in its most brutal form of exhibition for public shame, banishment and proscription are as many other forms of religious political and social segregation under which expiation, punishment and warning that serve as a base for penalty in the moral order become manifested.

In the corporal sense if the pain of death is merely a repressive segregation, the aggravations in its execution, mutilation and public whipping, constitute the survivence of vengeance and the expiatory suffering of the law of Talion.

At last, in the pecuniary order, penalty consists either in private composition admissible for all the offences deserving corporal pain (law XXII, tit. I, Part. VII) (1) or in total or partial confiscation which is a form of annihilation of the individual, or in fine.

(1) A question much debated among jurists has been that of knowing whether composition between the accused

And although it is established since the *Fuero Juzgo* that pains are personal, the cases of transcendentalism are repeated with frequency in that Body of law and the successive ones.

The political transformation of Spain realised under the Cortes of Cadiz, as a consequence of the theories then in fashion about the sovereignty of the nations and the dignity of men brought along with it the first essential alterations of the penal law: with the change of government men, the criterion of legislation changed.

The pain of whipping is abolished, being a degrading punishment, «symbol of ancient barbarity and a shameful rest of gentilism.» (Decree of the Cortes of September 8th 1813.) And the abolition is confirmed by Royal Order of May 28th 1820, because that pain «is able by itself to pull out of a man's heart the principles of honour that may cause him return on the way of virtue after having gone astray through some offence.» For the first time they seek in penalty a corrective element for the offender!

The insurgent Constitution of Apatzingan, in its article 23, sums up the new philosophy of penal law: «Law ought to decree only quite necessary pains proportioned to the offences and *useful to society*» but it conserves the religious statute forbidding any attack on the catholic dogma.

The Constitution of 1824 is more explicit: it prohibits the pain of infamy to be transcendental and annuls the confiscation of goods, like the Spanish Constitution of 1812 already had established.

Some single dispositions succeed one another without a unity of system, but converging towards these two aims: to diminish the atrociousness and degrading effects of penalty and to introduce therein the corrective element: the regulation of April 11th 1833 establishes workshops of arts and crafts in the National Jail and fixes certain aggravations of the pains according to the convict's behaviour; the constitutional laws of 1836 reproduce the prohibition of the pain of confiscation of goods and annul in an absolute manner the transcendental pains; the organic bases of 1843 reiterate the same precepts and prohibit aggravating the pain of death with any other physical suffering; the decrees of October 7th and 8th 1848 fix the bases of the penitentiary establishments and of the construction of appropriate buildings in the District and the Federal Territories (1).

The liberal constituents of 1857 are those who establish in a systematic form the fundamental bases of a properly Mexican penal law, bases amplified in the laws of December 4th 1860 and December 14th 1874 and in the constitutional Reform of September 25th 1873.

It being proclaimed the rights of man are the base and purpose of the social institutions, the aggressions directed against man, in his divers forms of individual or collective activity, claim a more energetic repression than the attacks on political organisation which is not an aim but a means and remains open for peaceful transformation. Political offences, occupying a secondary rank in penal legislation only exist if they constitute violent attacks and their authors are exempted from capital pain which remains in force when the very life of the group as an international entity is jeopardised, that is to say in the case of treason to the country during a foreign war.

Catholic religion ceasing to be a factor in the conditions of social existence and this reposes for the future on liberty of conscience, religious offences disappear from legislation, to which there remain submitted only the acts of external worship of any sect or religion disturbing public order.

Penalty being an evil inflicted by society, not to impose an expiation nor to satisfy a vengeance,

and the offended subsisted after the Party laws as a means to extinguish penal action. The contrary seems to be true, at least as for the pain of galleys and the offence of grave insults in the terms of laws 4th, tit. XL, and 3rd, tit. XXV, book XII, Nov. Recop.

(1) We omit speaking of some circumstantial laws including among them those about highwaymen, stabbers, homicides, robbers and thieves, of January 5th 1857 which establish severe pains to oppose the state of anarchy, disorder and outlawry concomitant with chronic revolutions. It is to be noted, however, that the last law cited initiates in this country for the named offences the classical system of penal law with its degrees of culpability of the offender, according to the principle of rational justice and the degrees of transgression and proportionality founded on the social interest and on the theory of criminality as an abstract entity.

but for repressive aims and it being admitted that every man, originally equal to the other, although vitiated by the transgression has a right to live and there is hope to amend him, any penalty is extinguished that may be contrary to both aims combined, that may be annihilating or degrading or perverting the feelings of sociability and thus they prohibit mutilation, whipping, torture, blows, brand, infamy, excessive fine, confiscation and every transcendental or insolite pain, the total abolition of the pain of death being offered for the day when the penitentiary system will allow to amend any criminal.

The theory of our new Penal Law was well synthesised by two of the most notable orators of the Constituent Congress in the following conceptions emitted during the debate on capital pain:

«Mr. Zarco says he feels a most lively satisfaction to note in Congress not a sole voice is raised in defence of the barbarous pain of death and acknowledges the Commission has made a great step on the way of reform proclaiming the abolition of capital pain for political offences. However wishing this pain to cease for once, because he deems it inefficacious, sterile and an actual murder committed by society on one of her individuals, not having the least right thereto, he declares himself opposed to the article thinking the defence of the pain of death, as a perpetual or transitory institution, may be founded only on the false idea that society ought to avenge on the criminal. Vengeance never ought to enter into social institutions; justice must have for its aim reparation of the evil caused and correction and amendment of the offender and nothing thereof is to be obtained by offering the public bloody spectacles that only serve to demoralise the same.»

Mr. Ramirez (Ignatius) says: «The criminal's responsibility towards the offended cannot be admitted as a norm for legislation, for that responsibility exists only in exceptional cases as when a wanderer is attacked by a highwayman. Admitting it always would be to consent that the resentment, ire and revenge of the offended were the measure of justice. Responsibility is before society and it is likewise of society before her individuals whence it results that the very thing to be procured is reparation, compensation of the evil caused; this is not obtained adding one crime to another, casting one corpse on another.

»Society, therefore, strong and powerful, ought not to act like the offended person; she must, of course, procure reparation, and if it is necessary to impose a pain, she must not do so in the name of revenge, but with the only aim to amend the offender.

»From the pain of death no good results for the culprit who perhaps expires without feeling repentance, nor for society who presents herself as a revenger when she ought to be a repairer, nor for the offended who receives no compensation. They only say there may be some benefit through the example for him who may find himself later on in the same case; but to attain that result, it is necessary to pass through a series of hypothesis and possibilities that have not the least logical link.»

When in this country they undertook the formation of a Penal Code answering to the political system and the form of Government definitively consolidated in 1857, to the new conception of society and of the rights of man, to the changes in our civil institutions, to the economical transformation of the nation and to the new ideas and conceptions brought on by the mutation in the consciences and in the minds of the men who served as a directing nucleus of the country, the commission redacting that Code found in the speculative world a school already perfectly characterised, founding the right of punishing on the correspondence of good with good and evil with evil and on the social interest in restoring the ethical equilibrium whenever it was perturbed by an attack on collectivity; that saw in offence a combined action of liberty and intelligence and in penalty a means of exemplarity and amend, deriving from that conception the different degrees of culpability and from this last the nature of the pains and which established the general conclusion of the proportionality of the pains with the evil caused deducting therefrom the degrees of offence and their different gravity, in order to get the measure of the pains. And this school having arrived so far as to serve as a criterion for positive legislations and being the only one that leads to practical conclusions, the redacting commission of the project accepted its principles, their consequences and development and embodied them in the valid Code, reducing them into legal precepts.

Thus in our penal law which since then (1870) has suffered some insignificant variations that do not affect the system, the gravity of the offence corresponds to the gravity of the evil caused, the responsibility of the offender is in proportion to the liberty and intelligence that presided over the criminal act, and the nature and rigour of the pain are the resultant of both factors, pursuing repressing aims in the first place and amending purposes in the second term. Of course, under this system, prison in any of its denominations, ought to be and really was the fundamental base of penalty and the penitentiary regime the only acceptable form thereof. The other pains, banishment, warning, suspension of rights, inhabilitations and fines, and confinement and exile, were restrained to very slight offences or to very special cases; capital pain continued having a transitory character.

What has become of the penitentiary regime and the pain of death after the promulging of the Penal Code, is a subject to be exposed elsewhere in MEXICO—ITS SOCIAL EVOLUTION by one of our most eminent specialists in this matter, master Michael S. Macedo.

In social dynamics, like in physical or biological dynamics, every action is followed by an equivalent reaction: if an aggressive act on the conditions of existence of a collectivity is executed, the group answers with another act protecting its own existence: the offence and the pain stand there, their intimate essence is invariable, whatever may have been the times and the customs, the feelings and the ideas. What there is variable is the estimation of what acts attack the life conditions of society and what means there are existing to repel the attack.

There the synthesis of our evolution lies. The passage from a theocratico-military organisation to a theoretical laical individual constitution has changed the classification of offences raising to the first rank of gravity the aggressions on the individual which is the *sacrosanct* unity of our institutions to continue afterwards with the aggressions on the State and to suppress those concerning the religious dogma; however, in practice State being still omnipotent amongst us, in spite of all theories, we meet with numerous deviations from the principle and necessary of the written text of the laws.

The passage from a social state of barbarity and perpetual hostility wherein family exists as a social entity (prerogatives of nobility) and as a political entity (feudalism and reigning houses) to a state of pacific culture which acknowledges in *man* the social unity, has modified penalty; to abolish the atrocious, degrading and transcendental pains and to direct all defensive reaction towards a double aim, example and amend, this is the last stage of our penal legislation which like that of the other countries has remained closed for any innovation recognising for its origin the positive criterion of the dreadfulness of the offender and of the treatment of the same according to his criminal temperament.

GENERAL SYSTEM OF PROCEEDINGS

A society which enacts obligatory norms of conduct in order to assure the coordination of the activity of the associates and which in order to make those norms effective, organises the coercitive power of the public force, cannot permit, if it wants to secure in a steady manner domestic peace and aggrandisement, that the contentions which may arise between the individuals composing the collectivity, be resolved by themselves, because violence would come to be substituted to law itself; nor can it allow that the controversies roused between the individual and society by systematically decided by this latter in mass, because then also, violence would come to overwhelm law.

Social harmony thus requires the organisation of a power to decide the contentions among the associate or between these and collectivity and consequently, the determination of the rules within whose range that power is to act.

If society is constituted, like colonial Spain, on the base of political and social inequality, if its mode of living roots in the absolute submission of the associate and the existence of classes, the judicial power that may be organised will have for its main object the conservation of discipline and of the privileged groups without which such a society would perish. Discipline is obtained by attributing the judicial

functions to the personality whereon absolute power is entailed: the King, if it is a monarchy; the Church, if it is a theocracy; in this manner the independence of the lawcourts is annihilated in their personnel by patronage and in their acts by revision in the last instance. The protection of the privileged classes is obtained by means of the establishment of *fueros* or special courts over whose decisions the spirit of corporation inevitably presides.

On these principles the progressive organisation of the courts in the Peninsula and in the colonies before the beginning of the XIX century was resting. Royal Jurisdiction may be said originally was the unique one; but beside the same there arises and develops Ecclesiastical Jurisdiction and from each of them several subdivisions derive according to the *fuero*, and according to the special purpose of its erection: Royal and Supreme Counsel of Castile, Mayors of Court, Mayors and Judges of Province, Judges commissioned, Military Courts, Finance Board, Mint Board, viceroyal Audiences, Mesta Courts and numerous others; ordinary ecclesiastic Judges, Tribunal of Inquisition, Tribunal of the Rota, etc.

The tribunals being thus organised and the conservation of discipline and the privileged classes steadied in this form, it was necessary to define the proceedings and the faculties of the juridical functionaries, regarding the three parts composing jurisdiction: investigation, decision and sanction of the case.

How is investigation to be initiated and what proofs are to be admitted in order to arrive at the elucidation of truth? The quantitative estimation of the unlawful acts and of the effective means on which society reckons to clear up the existence of such acts, is the sole criterion in these questions. The more dangerous as the group be considered, the more directly it is perturbed, the more actively, the more directly that group will react and if there is no organ precisely created to initiate this kind of investigations, popular action, the initiative of any associate, and lastly, the officious action of the courts will be enough to begin the proceedings. Something different will happen with those unlawful acts which directly affect the private individual or which, if they interest society, do not disturb it vitally; regarding those acts, only the harmed private person will be allowed to set in motion the action of the courts; at the rate that distinction will become less confuse, the clearer the division between private and public action will grow.

This same difference of social interest that announces the demarcation between public transgressions, private offences and civil acts, consecrates a divergency in the fundamental features of the proofs admissible in criminal proceedings and in civil proceedings, a divergency which becomes accentuated at the rate the separation of those unlawful acts becomes defined and characterised. If the means of verification are scanty and the question is of a contention about mere private interest on both parts, there being no social interest to favour any one of the litigants, the endeavour is to carry the judicial criterion to rational convictions according to the proofs adduced and the utmost thing authorised is the oath from any of the parts as a suppletory means of verification in doubtful cases. But when the question is about a social interest, then, for want of logical proofs, for lack of statistics, of police, of scientific means of investigation, they have recourse, such is human tendency, to conventionalism or to superstition, to ordeals, to challenge, to torture and in the last place, to oath or the proof of good fame, and by a psychological aberration, the more repulsive or perturbing the offence is, the less proofs are required to punish the culprit and the more his defence is restrained; in a social state where the individual is nothing before collectivity, the guarantees of the accused are scarcely conceived, even to justify his innocence.

The principles in force for the decision of judicial contentions labour under similar imperfections, and vary according to the nature of the same.

In a civil matter in which legislation has been able to copy the imperishable juridical creations of the roman people and regarding which society has no other general interest than the sanction of right, the actor's cause not being more important than the defender's, it is natural that the imperative rule for the courts is to found their resolutions on law; this is, at least, practical while the civil relations are limited ones; afterwards, necessity will lead to have recourse to general principles and to the sources of law.

But in a contention of the penal order, if the brutal judicial forms of criminal investigation in their beginning can be called so, the same thing does not happen. Society which is the whole before the particular, which is nothing, cares not for the interest of the culprit who is an individual and minds the interest of collectivity that is what requires public sanction and does not hesitate to authorise arbitrary pains by want of law and even establishes their imposition in certain offences, those affecting discipline, without previous verification of the criminal act.

To assure the execution of the judicial decisions is a legitimate tendency of all society; the only thing, that must be procured, is to prevent troubles and undue prejudices and take all precautions that are not incompatible with the practical aim of the proceeding. Such precautions are incomprehensible in a society not having the liberty of the individual for its foundation; that society sacrifices to an eventual interest of hers, the punishment of a hypothetical transgression, the actual liberty, the presumed innocence of an individual; hence the illimited faculty of the courts to apprehend and imprison any person, without restriction of time or conditions although the offence is not proven, and to impeach anew an accused although he has been set at liberty, because the facts alleged against him, have been disproved, wherefor a formula is invented, «the absolution of instance» (discharged) without prejudice to render indefinite the resources against the actual interest of the accused who meanwhile remains in prison.

In exchange, society's interest in civil proceedings being only an indirect one, that of individuals does not stumble over strong resistances of the public order to realise gradual improvements and the progress of that branch of legislation does not meet another obstacle on its way than the eminently conservative liturgy wherein the routine practice of judicial proceedings is petrified (1).

Very pronounced remnants of the old system of the Alphonsine laws and still more of those preceding them persist under the Compiled Legislation, although it must be recognised that in this matter great and undeniable progress was realised by the last named legislation.

On one hand the law considerably amplifies the range of the cases of application of the procedure of exofficio in the criminal suits, going the length that practice reduces to exceptional cases, such as adultery, those in which the complaint of the part is necessary; albeit, it continues admitting accusation, denunciation and delation as legal means to begin proceedings. On the other hand it recommends



Puebla. — Palace of Justice of the Penal department

(1) See tít. I to IV, book II; I, book VI, and I, book VII, Fuero Juzgo; the Old Fuero of Castile and the Laws of the Estilo, *passim*; book II and the tít. XX and XXI, book IV of Fuero Real (where the differentiation between civil process and criminal indagation is notably accentuated) and, finally, the Partida Laws comprised in the citations made in the former chapter and in the following paragraphs.

the utmost prudence in the use of illimited judicial arbitrament which the Law of Party grants to order the making sure of the accused whenever the offence deserves corporal pain; it establishes as a requisite previous to prison the indagatory declaration and authorises to give the offender a copy of the declarations of the witnesses deposing against him; but it permits not the previous confrontation between the accuser or the witnesses of charge and the accused and it conserves the judgment in default against the absent, torture as a means of obtaining confession from the accused, the arbitrary pains for numerous offences and the discharge in the cases where the accused does not prove his innocence and notwithstanding there are no means to get conviction of his culpability. Finally, it derogates the dispositions which authorised the imposition of the pain, without the offence being proved, in the cases of resistance to justice and in the so called pragmatic ones. (Tits. I to XVIII, Part. III, and tit. I, Part. VII, and titles XXXII to XXXV, XXXVII and XXXVIII, book XII, Nov. Recop.)

In civil proceedings, however, they reach a rational system truly notable for its epoch. The Compiled Laws give adequate rules to make judgment a loyal and frank contention; they establish against the contumacious accused not obeying his citation the presumption that the facts of the demand are certain, until the contrary is proved; they determine the proceeding in judgment by default; they enumerate the proofs admissible in judgment, estimating with a certain logic (safe the proof by witnesses) those which by their nature admit of a generic appreciation *a priori* and leaving to judicial estimation those whose efficacy depends on unforeseeable circumstances; they grant a relative amplexness in the debate on right; they impose rules for judicial decisions; they accept the conformity of the demands, written or oral; they admit certain preparatory formalities indispensable to assure the validity of the law suits and precautional providences to assure the practical result of the judgment; they emancipate from the formulas and rites a certain class of affairs, the mercantile ones and those of less quantity, establishing therein as unique criterion the truth known and the good faith kept and they admit executive judgment in the cases in which the credit results from a public or private deed, recognised or of confession. They conserve, however, prison for debts, a rest of the traditions on human servitude, ordeal which consists in oath as a suppletory means of verification in doubtful cases, judicial costs that make of administration of justice a business rather than a public service and *restitutio in integrum* for determined persons, together with numerous recourses, appeal, supplication, nullity, notorious injustice and other.

What must be more repulsive for the liberal spirits who entered into power under the new political dogma of the sovereignty of the nations, was that system of penal proceedings which, if not in the words, at least in the facts seemed to presume the culpability of every accused or at least did not hesitate in sacrificing human liberty and integrity before the slightest suspicion. That a man who has transgressed the social pact in some of the clauses established by general consent,—law,—be put outside that pact and subjected to a corporal, pecuniary or other penalty, that was a thing admitted by the new theories about society; it was also admitted that collectivity might take her precautions against man whenever the violation of the social pact was a verified fact and there were more or less important indications against some person. But what could not possibly be admitted was the idea that a mere suspicion of the existence of the offence was a ground for indefinite prison of a man or an authorisation for squeezing out of him a deceitful confession by means of torture, causing him to suffer for that suspicion perhaps a more intense pain than he would have suffered for the certainty of the transgression.

The Cortes of Cadiz are those which for the first time answer that individualist reaction. By a decree of April 2nd 1811, confirmed by Royal letters patent of July 25th 1819, they declare abolished torture and all the abusive troubles known under the name of judicial compulsion which practice had authorised and which in part had been sanctioned by Royal letters of the Counsel of February 5th 1803. The Spanish Constitution of 1812 touches more directly the criminal proceedings; it recommends briefness in substantiation; it exacts as previous requisites to formal prison the summary information of the fact and the accused's declaration which in the case of detention, must be taken earlier than twenty four hours before; it orders that prison be decreed in a written and reasoned command and only in the cases when

the pain for the offence would be corporal, conceding in the remaining and even in the former, if law did not prohibit it, liberty under bail; it reiterates the abolition of torture and compulsion comprising there even the accused's oath; it orders that within the twenty four hours following imprisonment the accused be made acquainted with the cause of the proceedings and the name of the accuser if there were one, and that when taking the confession of the former, he should be made aware of all the procedure, the process being no longer secret thereafter; and lastly, it expressly declared that the jail is a means of security and not of trouble for the accused. The decree of October 9th 1812 limits the recourses in civil and criminal proceedings. The decree of September 11th 1820, also from the Cortes, confirms anew the requisites regarding formal prison. Domiciliary visit is reduced to the cases determined by law, on behalf of the order and security of the State and this precept, in the Mexican decree of October 8th 1823 is interpreted in the sense that search will take place only wherever «by a previous verbal process or by another proof, the truth of the fact is known and the occultation of the same or of the person who committed it, in the house they want to search.»

The insurgent Constitution of Apatzingan in its turn, prescribes that any detention or prison shall be accommodated to the precepts of the law; that every citizen be reputed innocent, while he is not declared guilty; that nobody may be judged or sentenced without being legally heard and that as well for the civil as for the criminal executions, they must be preceded by a mandamus of the competent authority.

The Constitution of 1824 reproduces the abolition of torture and of the accused's sworn declaration, prohibits any detention without there existing a half-complete proof or indication about the culprit and establishes that such a detention by indications ought not to exceed sixty hours (1).

Single laws, of secondary importance and many of them of an ephemeral life, succeed one another as well in penal as in civil order, introducing changes although no essential ones into proceedings (2). The Constitution of 1857 is that which comes to fix in a definitive manner the fundamental bases of our processal law. Besides the dispositions relative to the formation of the courts, which do not belong to the subject matter of this exposition and which affects our political organisation rather than the juridical development of this country; besides the rules relative to fueros and special courts of which we have spoken elsewhere, that Constitution came to establish the guarantees they considered indispensable for the security of the individual in the proceedings, an indispensable means to get to be valued any right disputed to a man by another man or by society. The most transcendental reform was that relative to the abolition of judicial costs. The associates not having the right to do themselves justice with their own hands, for they are obliged to have recourse to the courts which are the guarantee of the observance of the law, price must not be set to justice, for setting it, is often equivalent to a denial of right; that function, essential for domestic peace and order, must not be considered a branch of private speculation, but a public service whereto all indistinctly must contribute because it serves to keep up a state of legality useful for all, which is a sanction that serves both to retribute in every single case the violated right against any perturbation thereof and to hinder in general unscrupulous men to disregard their duties before the absence of a coercitive power compelling them to fulfil their duties. When it is declared, as our Constitution does, that «nobody may exercise violence to claim his right,» it must also be declared that the «courts will always be ready to minister justice» and that «this will be gratuitous, judicial costs being consequently abolished.» Only an obsecration comprehensible by the powerful influence of the past could hinder this declaration to be made at the very moment when for the first time the

(1) It provides besides that conciliation must needs be attempted before initiating a lawsuit for insults and it declares that nobody ought to be hindered in his right of submitting his differences to the arbiters named by both parts; a right, for the rest, constantly recognised in the anterior legislation.

(2) Spanish laws of October 9th 1812 and March 24th 1813, and Mexican laws of February 14th 1826, May 20th 1826, July 23rd 1833, May 22nd 1834, May 23rd 1837 and others of a special character or of political circumstances. The law of January 17th 1853, derogated two years later dictates rules meant to shorten proceedings and provides confrontation between the accused and the witnesses of burden.

principle was accepted, that sovereignty is an attribution granted to public power for the benefit of society and that it is nowise the patrimony of one man or of one family!

The respect for the liberty of man and for the security of his person, his goods and his home, logical consequence of the modern conception of the State and of society, as an association organised for the convenience of the individual and nowise for his annihilation, imposed a series of restrictions on public power which are contained in our Fundamental Chart in order to prevent undue and disproportioned troubles and to make every controversy in which a private person may be interested an equal, open and liberal contention, in which the law, and law alone, ought to prevail. Therefore personal coercion is prohibited as also prison for debts of a merely civil character; therefore it is provided that any trouble for the person, for the papers, for the family and for the goods of an individual must be ordered by a written mandamus of the competent authority stating and explaining the legal cause of the proceeding, save the case of *flagrante delicto*; therefore they reiterate the franchise of bail in every offence not deserving corporal pain, they fix a term of three days to decree the formal prison of the detained, they prohibit all ill use, troubles or retention in prison for pecuniary ministrations and they prescribe that in every criminal cause the accused be advertised of the motive of the proceeding and of the name of the accuser if there were one; he ought to declare within the forty eight hours following his detention; he ought to be confronted with the witnesses of burden, be made aware of all the facts that might serve him to prepare his defences and be heard in judgment and defended by a person of his trust or by the defenders *ex officio* gratuitously instituted by the law; and therefore, lastly, the number of appeals permitted in criminal causes is reduced to three, the practice of discharge is annulled and they consecrate in absolute terms, to the *benefit* of the culprit, but never against him, the authority of the matter finally judged.

Still further advance has been made! Ever since the old Spanish legislation it was a principle of interpretation for the courts not to make a retroactive application of the law; but judicial arbitrament in its amplest form (arbitrary pains) and the possibility of retroactive and *ad hoc* laws, which had happened in our political history, continued being a threatening for the individual. Our Fundamental Chart provided against this evil forbidding the issueing and application of retroactive laws and ordaining that nobody may be judged or sentenced unless in virtue of laws exactly applied to the case.

The fundamental principles of criminal proceeding stood consigned in our Constitution; some also were established for the decision of civil affairs; but the course of the proceeding, the sequel of the action of the courts for the investigation of the transgressions and for the resolution of the controversies of the civil order continued being an infamous mixture of the colonial course of suits and of those prescribed by the numerous laws following the same, some of which we have mentioned. The necessity being felt to extricate from that chaos and to give easy rules for proceeding, several laws were issued (November 23rd 1855, January 5th 1857, January 19th 1869); but all of them incomplete, for determined affairs or circumstances, they did not bring any improvement into the situation.

The expedition of the local Codes of Civil and Criminal Proceedings and that of the Code of Federal Proceedings in its civil part, came to introduce into that class of affairs the order, certitude and unity of system which had so much been altered by the anterior laws, there remaining only for the penal affairs of Federal competency the confusion, vagueness and disorder proper of legislation formed in fragments, for a determined class of affairs, in exceptional circumstances or under occasional purposes and superposed on the old colonial laws (1).

Novities of scanty importance are introduced by our Codes of Civil Proceedings regarding the anterior

(1) The distinction between federal and local competency, the evolution of military special jurisdiction and the development of the institution relative to the *fuero* of the high functionaries corresponds to our sheerly political development and therefore we have omitted speaking of these matters confiding on what is said about them in another part of this work.

general system of beginning a cause; some of the changes are actual retrocessions. The Code of 1872 takes the same bases as the former laws in the question of substantiation, although as a rule it disfavoursably modifies the judicial terms: those bases are reduced to the freedom of the parts to fix the limits of the contention, to the burden of proof upon the demandant, to the equalness of rights of the parts in actual controversy, in the juridical debate and in the appeals, defences and guarantees of process. This Code keeps the proceeding in contumacy, executive judgment, including among the titles, with prepared execution, the recognised private instruments and the confession of the accused and distinguishes the different classes of judgment according to their object and according to the interest of the affair; it considerably diminishes judicial arbitrary in substantiation and for decision it enumerates the logical means of conviction whose catalogue may be said complete; it defines the faculties of the judge in the appreciations of the proofs, according to the nature of the same and establishes that the sentence must be founded on law or in default of it on the general principles of right.

It contains inconveniences which by all means must be pointed out. In the first place it accepts the incomprehensible doctrine that a contumacious litigant may obtain advantages in prejudice of his opposer precisely for his very contumacy; for it declares that if the demanded does not obey the summons, the demand is presumed denied while logic, morals and the prestige of the courts would precisely require the establishment of the opposite presumption, save the proof of the contrary, as in the old Spanish law. Secondly, it extraordinarily subdivides the forms of judgment and by this means it opens the doors to numerous subtleties about procedure with great prejudice to the briefness of the proceeding and the patrimony of the litigants, committing on the other hand the error of distinguishing the judgments according to whether the promotions are made by writ or orally, whereby it also retrocedes beyond the Newest Compilation whose principles are more advanced. Lastly, it sacrifices to the form, to the rite, to the liturgy of procedure the amplitude of so important proofs as confession and the swiftness of the sequel of the judgment rendering it costly, dilated and despairing in many cases. The Codes of Civil Proceedings, of 1880 and 1884, aggravate these defects instead of amending them: the former restrains the franchises relative to the preparation of the executive judgment regarding private documents; the latter limits that franchise to private mercantile documents and suppresses judgment in contumacy (1). The Code of Federal Proceedings is somewhat less formalist and does not hesitate to restore the principle that every petition in judicial proceedings is of the same value, be it made orally or produced by writ.

The Codes of Penal Proceedings of 1880 and 1884 develop the whole system of proceedings taking as fundamental lines those we have mentioned when speaking of the Constitution of 1857. They introduce only two new elements: one a notoriously advantageous one, taking from the judge the confession with charges and giving the representative of Public Ministry the voice of Society to sustain the accusation; the other is the introduction of the Jury for the fixation of the facts in the causes in which the pain is to exceed two years of prison: this last reform obeys the democratic prejudices combined with the spirit of imitation of practices explainable in other countries but which in ours have frequently led not only to violations of the law, but to monstrous iniquities, in spite of the reorganisations of that institution (cited Codes and the law of June 24th of 1891) brought about in order to form a moderately enlightened tribunal. An impossible dream in view of the vices inherent to this institution which erects arbitrariness into law under the name of *conscience*, sentimentalism guided by the impressions of the ambient medium and the unhealable absence of a disciplined criterion.

An abyss divides the societies whose progress is intrinsic from those that have been able to realise it thanks to the irresistible contagion of foreign institutions. To overpass that abyss, only time is capable to serve as a gigantic bridge for a vigorous race.

(1) It is not possible to enter more detailedly into the matter and therefore we remit the reader to our critical study on the present legislation of civil proceedings wherein we set off the grave defects which still prevail against the swift, energetic and unexpensive administration of justice.

When a society slowly transforms her institutions at the rate it is becoming necessary to adapt them to the changes which by little and little have been operated in her mode of being, every right, every liberty, every new franchise which the individual secures for himself snatching it from public power, concrete form by which the organised force of the association manifests itself, bear or can bear an ostensible sanction which is law; but besides they are sustained and that is their actual and unshakeable prop, by a latent and invisible sanction, which is social conscience, the ideas and feelings which the unities composing that society hold about the nature of their relations in front of the State. The legal means placed at the reach of the individuals serve as a counterpoise to hinder that through an eventual rupture of the equilibrium a violent explosion of the associates may break out, destroying or subverting public power; they are a guarantee of the subsistence of this, rather than an effective security granted the individual; for if this security were not given him, he would contrive to obtain it by violence: such is the character of the rights snatched from public power in the English monarchy.

Quite the contrary happens in a society born to autonomous life amid the struggle between the past and the future, between those who hesitate to advance a step and those who pretend to leap over all traditions, constitutes herself under radically liberal auspices which make of public power a sovereignty emanated from the people when popular political conscience is wanting; which generously limit the faculties of the same power, when in reality this power ought to be still illimited, at least while the prolific germs of social anarchy are being extirpated, which impose duties and bestow rights on the individuals when only some hundreds of them are penetrated of the conviction that to live in society means to limit one's own action when it hinders the free action of others; in one word, they forge institutions, not to accommodate themselves to the still embryonary social conscience, but that this may adapt herself to the former, as the only means, the sole form of provoking a rapid growth to place the rising society into conditions to struggle with other societies already ripe and endowed with so beneficial and progressive institutions. In this new society where the latent and invisible sanction of feelings and ideas previously formed in the individuals is wanting, the unique possible sanction, the only one capable if not radically to secure the individual rights, at least to correct manifest attempts against them, is the sanction of the law, the recourse conceded to the harmed private person to reclaim against the transgressing excesses of public power. That sanction is a counterpoise to the permanent want of equilibrium existing between the theoretical limitations and the practical omnipotency of the State, between the rights granted the individual by the generosity of the constituent body and the partial unconsciousness which the former has of such rights; however, the counterpoise of the legal sanction is so weak when there is no consciousness to complete it that sometimes equilibrium fails and the sanction is perverted or proves illusory. Such is our mode of being and such is the intimate nature of an original recourse of our Constitution that under the name of judgment of shelter, there has been instituted in order to protect the individual in front of the public power when the latter, to the prejudice of the former conculcates the fundaments of our political organisation or the so called rights of man.

The Constitution of 1857 restored the federative regime which lacking rooted traditions to be founded upon, had provoked the dismemberment of our territory some years before (under the Constitution of 1824 that instituted it for the first time). That regime signified the appearance of numerous local entities and the fear arose that without a constitutional sanction these entities would be a menace for the individual rights, the equality, the liberty and the security which in the social, economical, intellectual, religious and even physical sphere, had been conferred on man, not because he claimed them in their integrity, but because in the theoretical conception of the society which inspired our constituents, man, by nature, by the fact of being born, by being a man, has inviolable, intrinsic and innate rights.

The federative system and the individual rights created in such conditions were running grave risks to shipwreck in our tempestuous struggles; it was necessary to protect them by a ready means, an appeal brought before the highest tribunal of the Republic that it might judge whether the act of authority reclaimed against, infringed that system or these rights. And thus the judgment of shelter arose,

before all, as a legal, pacific, but energetic appeal, to counterguard the moral debility of the individual, in front of the omnipotent force of our governments; afterwards, as a judicial form to conserve the federative equilibrium!

The fate of this recourse, which we could not leave unmentioned when speaking of judicial proceedings, has necessarily been the concentration of an immense power in our Supreme Court whereof this has availed herself specially against the excesses of the local authorities and which in front of the Federal Powers has ceded only in extreme cases of political interest.

Whatever may be, however, the deviations committed in the observance of the Constitution, the appeal of shelter has in our country a highly educational function and preparatory of social conscience and in the constant struggle of the weakness of the individual against the force of the organised power, signifies this conquest that would have been a dream to conceive: the State assures the limit of its powers in the eminently pacific form of a judicial appeal.

When the high tribunal that resolves those contentions of the individual against the State, may be withdrawn from the fluctuations of politics, when it will be formed of irremovable and responsible magistrates, a stable equilibrium will have been attained between the two interests, opposed in appearance and complementary in reality, an equilibrium inclosed in this simple formula: discipline under the law.

George Vera Estañol.

CONTENTS OF TOME FIRST

VOLUME SECOND

PART FIFTH

SCIENCE IN MEXICO. THE SCIENTISTS. ELEMENTS OF SCIENTIFIC WORK.
PROTECTION OF THE STATE AND OF PRIVATE PERSONS. MEXICO'S CONTRIBUTION TO SCIENTIFIC PROGRESS.
ACADEMIES. INSTITUTES. REVIEWS. SCIENTIFIC CONCOURSES

CHAPTER		PAGES
	I.—Preliminary	417
»	II.—Origins of Mexican science	421
»	III.—Initial phase of Mexican scientific movement	427
»	IV.—Transition phase of Mexican science	434
»	V.—Independent phase of Mexican science	440
	I.—Epoch of special scientific culture	442
	II.—Second epoch of the modern period of Mexican science or epoch of general scientific culture	458
»	VI.—Stimulation of scientific advance. Elements of scientific work. Protection from State and private persons. Mexico's contribution to scientific progress. Academies. Institutes. Scientific competitions	461

PART SIXTH

NATIONAL EDUCATION

INTRODUCTION.	468
CHAPTER	
»	I.—Education among the ancient Mexicans (from... to 1521)
»	II.—The Spanish conquest: its effects on the education of the indigenous races
»	III.—Educational institutions destinate for mestizoes and creoles
»	IV.—Educating influences produced by independence and its first effects
»	V.—Individualism and its general effects upon education after 1821.
»	VI.—Attempts at reorganisation from 1836 to 1845.
»	VII.—Education due to individual exertion
»	VIII.—Vicissitudes of public instruction from 1855 to 1867
»	IX.—Social effects of the educational institutions from 1821 until 1867
»	X.—Scientific organisation of elemental and preparatory instruction in 1867
»	XI.—Organisation of professional instruction in 1867
»	XII.—The innovations of 1868 and 1869

	PAGES
CHAPTER XIII.—Increasing prevalence of the official teaching institutions and transitory decay of the National Preparatory School	537
» XIV.—Specialisation of the studies at the superior schools from 1869 to 1889	541
» XV.—First endeavours organising elemental instruction in an analytical way and at improving its teaching body (1869 to 1882)	545
» XVI.—The training schools for teachers, the compulsory instruction law of 1888 and the national instruction congresses of 1889 and 1891	550
» XVII.—Increasing progress and present state of the normal schools in the Republic	559
» XVIII.—Successive improvements of professional instruction up to 1896 and of primary teaching up to this day. Its present conditions.	563
» XIX.—Reorganisation of the Nacional Preparatory School and present state of secondary education throughout the country.. . . .	572
» XX.—Reorganisation and present state of the special schools.	580
» XXI.—Irradiation of the educational systems and diffusion of instruction	591
The indirectly educational institutions	596
CONCLUSION	599

PART SEVENTH

NATIONAL LETTERS

INTRODUCTION	603
I.—Retrospect	607
II.—Generative elements of Mexican literature. Their development and progress.	611
III.—The literary work.	614
Poetry	615
Epic poetry	630
Dramatic poetry	631
Novel	634
Prose	639
Journalism. Polemics, critics, satirists	639
Historiographers, sociologists, travellists	644
Oratory	646
IV.—Present state of Mexican letters	651
Future of our national letters	660

PART EIGHTH

MUNICIPALITY. PENAL ESTABLISHMENTS. PUBLIC ASSISTANCE

MUNICIPALITY

I.—Its origins. Colonial epoch (1521-1821).

1. Origins and evolution of Municipality in Spain.—2. Origin of Municipality in New Spain.—3. First organisation, Laws of Indies.—4. First Council of the town of Mexico.—5. Nomination of the municipal functionaries.—6. Their retribution.—7. Functions of the town councils.—8. Their funds.—9. Erection of settlements.—10. Municipal ordinances.—11. Supremacy of the town of Mexico and of its council. Interference of the viceroys in its local government.—12. Character of the colonial

town councils. Their interference in politics and their function in insurrection.—13. Conclusion and summing up.	665
II.—Independent Mexico. Anarchy and Reform (1821-1867).	
14. Entrance of the town councils into the independent era.—15. Constitution of 1824. Erection of the Federal District.—16. Influence of political agitation on the town councils.—17. Centralist constitution of 1836. Ordinances of 1840.—18. Organic bases of 1843.—19. Municipal reorganisation under general Herrera's government.—20. Measures of general Arista's administration.—21. New municipal organisation under general Santa Anna's administration.—22. The municipality and Federal District under the administration Álvarez-Comonfort.—23. Constitution of 1857. Reform Laws.—24. First period of Mr. Juárez's government.—25. Municipal regime of the Empire.—26. Electoral function of the town councils.—27. Conclusion and summing up.	672
III.—Republic constituted (1867-1900).	
28. Beginning of the era of pacific evolution.—29. Increasing solidarity of the town councils with the respective governments. Consolidation of credit. Municipal loans.—30. Reform and modernisation of the towns.—31. Necessity of transforming the municipal institutions. Extension and complication of the services.—32. Increase of endowment of municipal funds.—33. Abolition of excise. General law of municipal income of 1897.—34. State of municipal rents at the end of the xix century.—35. Succours of Federation and the States to the municipalities.—36. Systems employed for municipal services and works. Auxiliary Boards. Departments that have been severed from municipal administration.—37. Attributions of the town councils.—38. The government of the Federal District. Organisation of the District and the municipalities.—39. Municipal legislation at present in force.—40. The staff of the town councils.—41. Situation of the town councils at the beginning of the xx century.—42. Indian settlements.—Conclusion	678
43. Questions treated in the conclusion.—44. Municipality as an administrative unity and a territorial division.—45. Juridical personality of municipality.—46. Its general function.—47. Its want of legislative function.—48. Its want of judicial function.—49. Its function has been a mere administrative one.—50. Deficiencies of its organisation.—51. Absorption of the municipal functions by the superior governments.—52. New bases of the political institutions.—53. New horizons of the government of the towns.—54. Probable transformation of Municipality in the xx century	687

PENAL ESTABLISHMENTS

1. Relation between prisons and penal law.—2. Spanish legislation when the colony of New Spain was founded.—3. The Compiled Laws.—4. The Laws of Indies.—5. The penal servitude establishments. A means of conquest and of peopling.—6. Jails in the town of Mexico during the colonial epoch.—7. Insecurity in New Spain. The Acordada.—8. Independence.—9. Resound of the reformist system of jails in Mexico.—10. Jail regulations of 1814, 1820 and 1826. Suppression of the narrow dungeons (1823). Work-shops (1833).—11. Penal servitude as a means of opening and maintaining highways.—12. Efforts of jail reform in 1841.—13. Gorostiza's correction house.—14. Establishment of work-shops in 1843.—15. Penitentiaries of Jalisco, Puebla and Guadalupe-Hidalgo. Otero's decree of 1848.—16. Penitentiary in the building of Sheltered women.—17. Convocation of 1848. Projects of Hidalgo, Besozzi and Griffon.—18. Creation of the General Inspection of Jails and its suppression.—19. Construction of the Penitentiary laid as an obligation on the enterprise of the Veracruz railway.—20. Constitution of 1857.—21. Suppression of the ex-Acordada jail. Creation of Belem jail.—22. The jails in the epoch of revolts. Consignment of criminals to military service. Extraction of prisoners to convert them into combatants.—23. New efforts when Republic was restored (1868-1871). Project of a Penitentiary formed by the professors at the Fine Arts School.—24. The Penal Code. Deserving work of Martínez de Castro.—25. Projects in the first epoch of general Díaz government. Perote, Tepotzotlan, Rivas and Plowes Project. Medina and Ormaechea Project.—26. Correctional schools. Momoluc. Industrial School of St. Peter and St. Paul.—27. The second labours. Project and construction of the Mexico Penitentiary. Reform of the Penal Code.—28. Inauguration of the Mexico Penitentiary. Reorganisation of the Federal District's penal establishments.—29. Penitentiaries of the States.—30. Federal prisoners. Military prisons.—31. Subsistence of capital pain.—Conclusion	690
--	-----

PUBLIC CHARITY

1. Object of this study.	706
The origins. Colonial epoch (1521-1821).	
2. Necessity of charity institutions in view of the wretched state of the Indians, a work of clergy.	
—3. Cooperation of civil power.—4. Cooperation of private persons and feelings leading thereto.	
—5. First foundations of the xvi century.—6. Those of the xvii century.—7. Those of the xviii century.—8. Other beneficent institutions.—9. Troubles at the end of the colonial epoch. Character of charity up to then. Its future	707
Independent Mexico. Anarchy. The Reform (1821-1867).	
10. Hospitals at the charge of the Mexico town council.—11. Occupation of the charity establishments' funds.—12. Establishments existing in 1846.—13. Sisters of Charity.—14. Want of unity in the superior organisation and inspection.—15. Unmortmaining and nationalisation.—16. Secularisation of charity. General direction of the department. Its administration by the municipality.—17. Situation until the fall of Lerdo's government.—18. Creation of the Direction general of Beneficence in 1877.—19. Its reform in 1879.—20. Its suppression. Creation of the Section of Beneficence in the Home Ministry, in 1881. Funds and expenses since 1881.—21. Legal situation of private charity.—22. Establishments founded after Independence.—23. Present state of beneficence in the Federal District. Establishments being building. Other services of public assistance.—24. Charity in the State.—25. General summing up of charity in the Republic.—Conclusion	713
26. Popular immorality. Illegitimate unions. High rate of natural children. Abandonment of infancy. High infant mortality.—27. Ethical feeling.—28. Educational function of charity. Necessity of restoring its character as a private institution	721

PART NINTH

JURIDICAL EVOLUTION

Antecedents of national legislation	725
Juridical personality	729
Family and successions	739
Property	746
Contracts.	752
Offences and penalties	760
General system of Proceedings	766

INDEX

TO PLATES OF TOME FIRST

VOLUME SECOND

	Pages
Authors of the first tome of Mexico—Its Social Evolution	417
Mexico.—Engineering School. Main staircase	441
Drs. Raphael Lucio, Adrian Segura, Emmanuel Carpio, Francis Ortega, Joseph-Maria Vértiz, Raphael Lavista	453
Dr. Michael Jimenez	457
Dr. Gabinus Barreda	461
Mexico.—National Preparatory School. Physical cabinet.	465
Mexico.—Monolith hall in the National Museum	473
Father Las Casas	477
Antony Martinez de Castro	533
Ignatius Ramirez, Joseph Diaz Covarrubias, Alphonsus Herrera, Protasius Tagle.	537
Morelia.—Boarding school of the Academy for Girls	553
Licentiate Joachim Baranda	557
Mexico.—Main aisle of the National Library	597
William Prieto.	625
Joseph Joachim Pesado, Emmanuel M. Flores, Emmanuel Acuña, Emmanuel Gutierrez Nájera	629
Joseph Joachim Fernandez de Lizardi, Ignatius M. Altamirano, Vincent Riva Palacio, Justus Sierra, father, Joseph T. de Cuéllar, Ferdinand Orozco y Berro	637
J. Aguilar y Marocho, John Baptist Morales, Andrew Quintana Roo, Emmanuel Peredo	649
The Mexico penitentiary.	693
F. Antony Lorenzana, Bernardin Álvarez, Concepcion Béistegui, Ferdinand Ortiz Cortés, Ignatius Trigueros, Antony Emmanuel Couio	709
Mexico.—General hospital	721
Licentiate Emmanuel de la Peña y Peña	733
Licentiate Ignatius L. Vallarta	749
Mexico.—Court of Justice	763

NOTEWORTHY ERRATA

Page 613	note	instead of	<i>Marian</i>	read	<i>Victorian</i> .
» 618	line 37	»	<i>discreet</i>	»	<i>eloquent</i> .
» 628	» 13	»	<i>Inda</i>	»	<i>Unda</i> .
» 638	» 34	»	<i>gansay</i>	»	<i>gainsay</i> .
» »	» 36	»	<i>beginning</i>	»	<i>canvass</i> .
» 652	» 23	»	<i>plotting</i>	»	<i>thundering</i> .
In the inscription of the figure on page 559			<i>Normal</i>	»	<i>Preparatory</i> .

IMPORTANT REMARK

Although on the title page of the first tome there appears the name of Lic. Emilius Pardo, jr., and his portrait figures in the group of authors of the first tome, we must state the said gentleman has not collaborated in this work, for the publication being already far advanced he gave us notice he desisted from writing the part he had taken charge of. This has not been one of the smallest difficulties our enterprise has had to overcome; it was saved by a young and already illustrious barrister, Lic. George Vera, who accepted the difficult commission to write in a few months and without a special preparation the most important part which concludes this second volume. The reader will appreciate the merit of Mr. Vera's work. For our part we state these facts with the same satisfaction with which we give our friend a public testimony of our gratitude for the willingness he showed to rid us of the difficulty and for the remarkable skill with which he has contrived to accomplish his spiny task, in a little time and in hours robbed from repose.—THE PUBLISHER.



90-B28260

